

**Debevoise  
& Plimpton**

# **Data Strategy & Security**

# Introduction

## Data has become one of companies' most valuable assets and greatest risks.

The global flow of information creates constantly changing challenges: How do companies acquire, store, protect, use and share data to keep up with the competition, while reducing their legal and reputational risks?

Companies need an experienced and creative partner to work closely with them to formulate and achieve their overall data strategy, whether they are

- Preparing for a ransomware attack or other significant cyber, privacy or AI event,
- Evaluating the data-related risks and benefits of an acquisition,
- Facing scrutiny over their cybersecurity or privacy policies and practices,
- Responding to investigations or litigation relating to a data breach, or
- Developing an artificial intelligence or big data program.

Named a **winner** in the “Innovation in Digitizing Legal Services” category by the *Financial Times*’ 2022 North America Innovative Lawyers Awards

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Ranked as an “elite” firm for Privacy & Data Security.

“The team has spectacular subject matter expertise. They are also responsive, helpful and nice to work with.”

“They are really superb lawyers ... for super complex matters, they have a group that you can just totally rely upon ... the lead partners are phenomenal.”

*Chambers USA, 2021-2022*

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Ranked as a leading firm for Cyber Law (including Data Privacy & Data Protection).

“The expertise of the lawyers at Debevoise is unmatched. They have some of the most experienced lawyers in the trade.”

“The team’s breadth of knowledge stands out; I would consider them not just practitioners, but experts in the field.”

*The Legal 500 US, 2019-2022*

# Data Strategy & Security Services


The Debevoise Data Strategy & Security (DSS) practice is global and interdisciplinary—combining our cybersecurity, privacy, artificial intelligence, business continuity, M&A diligence and data governance practices into one fully integrated and coordinated group.

Together, we advise leading companies on responding to ransomware and other cybersecurity events, including regulatory inquiries and civil litigation. We also advise our clients on their overall data strategy, including how to manage, protect, and optimize their data, including through the use of artificial intelligence. Our strategic advice includes both legal and technical assistance with the data issues that arise in M&A diligence, licensing and vendor contracting. In addition, we help our clients determine what data they should delete or not collect because of cybersecurity, privacy or other risks.

Our integrated strategic advice on data includes:

- Helping clients across the globe prepare for, and respond to, significant data breaches and related investigations and litigation. In addition to our U.S. offices, we serve clients from offices strategically located in the United Kingdom, France, Germany, China, Hong Kong, and Japan. We also regularly work on matters that involve a wide range of other non-U.S. jurisdictions, including the EU and EEA, Japan, Singapore, Brazil, Canada, Colombia and Argentina, to name a few.
- Identifying existing and proposed laws and standards in the United States and around the world that will impact our clients' use of data, including regulations and guidance relating to cybersecurity, privacy, AI, data minimization, records retention, document discovery and data governance.

Because we are constantly leading responses to significant cyber, privacy and AI incidents, we are able to channel that deep experience into helping our clients improve their preparations and resilience. Based on our incident work, we regularly assess our clients' Incident Response Plans, policies, processes, training and resources, and make suggestions to allow them to more effectively respond to the latest cybersecurity, privacy and AI challenges that they face.



“It is a strong firm with a nice team for data governance, cyber incidents and crisis response.”

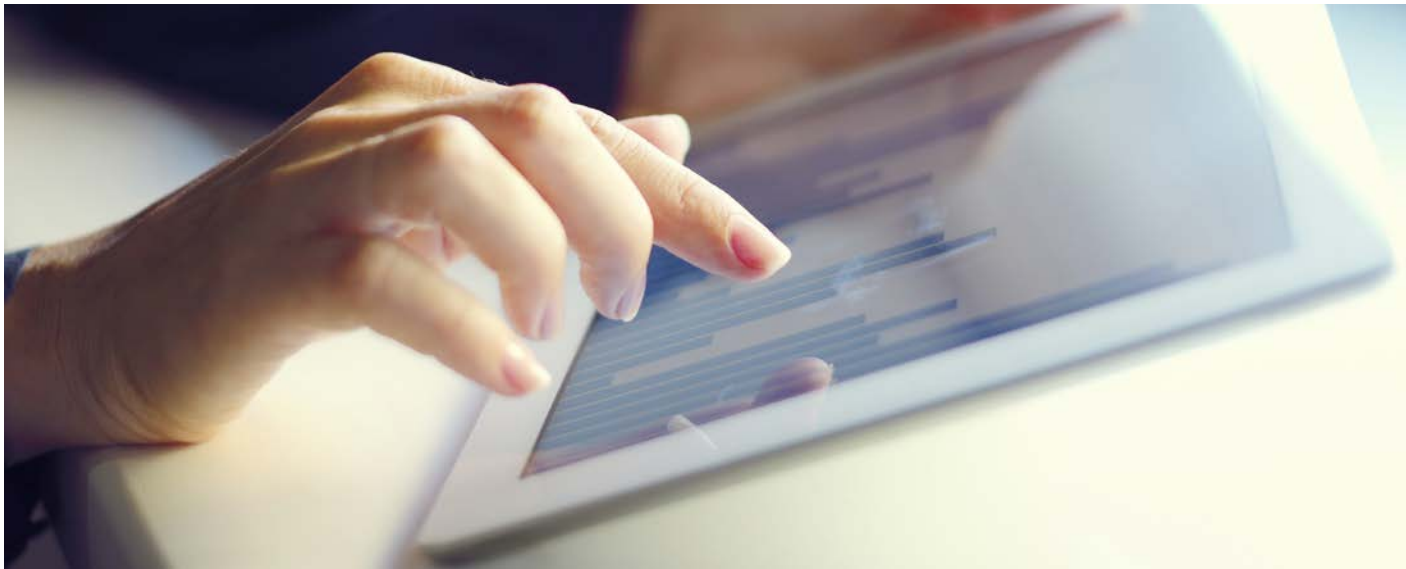
*Chambers Global, 2022*

## **A FULL RANGE OF DATA GOVERNANCE, PROTECTION AND PRIVACY SERVICES, INCLUDING CYBER INCIDENT RESPONSE AND MANAGING AI RISK**

Our experience and advice covers the full spectrum of cyber threats (including from nation states, criminal ransomware groups, insiders, and critical vendors), as well as compliance with the ever-growing array of cybersecurity, privacy and AI regulations in the U.S. and across the globe.

- **360° Incident Response Services.** Debevoise helps clients navigate cyber incidents with the full range of services, including immediate crisis management, internal and external communications, fact investigation, breach notification, regulator and law enforcement engagement, civil regulatory investigations, defense of class action and derivative litigation and briefings to the board and C-Suite.
- **Engaging with Law Enforcement in the U.S. and Globally.** We are able to leverage our worldwide network of law enforcement contacts in the event of an incident. Our team includes several former federal cybercrime prosecutors, including the former leader of the Justice Department’s Criminal Division, the former leader of the Department’s response to national security cyber threats, and two former Assistant U.S. Attorneys who brought landmark cyber cases in the country’s federal courts.
- **Review/Refresh Data Policies and Governance.** We can provide an assessment of the company’s policies and procedures for the protection and handling of consumer and employee personal data, as well as sensitive company information, with particular attention to mitigation of legal, business and reputational risks.

- **Cyber-, Privacy- and AI-Risk Assessment.** In today's dynamic regulatory environment, managing risks at the intersection of law and technology means measuring data protection and data optimization strategies against existing laws and regulations, as well as anticipated changes in the legal and threat environments. We review companies' cybersecurity, privacy and AI programs and assess them against existing and emerging legal standards. Our work ranges from leading a full legal and technical risk assessment of various data programs, typically performed in tandem with a technical vendor, to a targeted review of areas known to attract regulatory and enforcement focus.
- **Board/Executive Briefings and Training.** We regularly report to boards and company executives on the latest threats their companies face relating to data in order to help them assess risk, allocate resources, maintain appropriate insurance, prevent avoidable losses and discharge their oversight obligations. We also provide training on cybersecurity, privacy and AI risks to new executives and board members, as well as anyone wishing to learn more about their responsibilities in these areas.



- **Mock Data Events and Tabletop Exercises.** We routinely help our clients prepare for adverse cybersecurity, privacy and AI events by conducting real-world drills of actual data events for various functions within the organization including Legal, Compliance, IT, Risk, Communications, Executive Management and the Board. These Tabletop exercises, which regulators increasingly expect companies to conduct, allow our clients to test their incident response plans and see how their organization works through emergency data events, including ransomware attacks that shut down operations, insider data theft, whistleblower allegations of AI bias, state-sponsored hacking of sensitive commercial information, leaking of large volumes of customer or employee personal information and compromise of a critical vendor's information systems.

- **Vendor Risk Review.** Cyber incidents often involve exploitation of a vendor's trusted access to the company's systems, its handling of sensitive data on behalf of the company or risks posed by the vendor as a single point of operational failure. Accordingly, regulators have honed in on this challenging area. We work with our clients to develop practical, risk-based strategies to manage third party cyber, privacy and AI risks through their policy development, diligence efforts, contractual terms and insurance strategies.
- **M&A Due Diligence.** Data risks are increasingly prominent in M&A due diligence and in the post-acquisition integration process. We often lead cyber, privacy and AI diligence investigations around the world, including advising on policies and procedures for due diligence and for integration generally, as well as on risks and issues raised by specific actual or potential acquisitions and investments.
- **Insurance.** Companies increasingly are concluding that cyber-, AI-, and privacy-specific insurance policies are essential. Our team has significant experience working inside the insurance industry and can review existing policies to assess coverages and exclusions.

## REAL-WORLD EXPERIENCE

Our services are based on experience in the trenches of many of the country's landmark cyber and privacy incidents (including many non-public incidents). Our lawyers have deep technical knowledge that allows them to translate complex technical findings into legal and business decision points. This has enabled us to provide a pragmatic approach to identifying and coordinating the key elements of effective incident response and overall data strategy.

Before joining Debevoise, partner Luke Dembosky served as Deputy Assistant Attorney General for National Security, managing the Justice Department's work on all national security cyber incidents, including the cyber attack on Sony Pictures and the landmark breaches of Target, The Home Depot, Anthem and the U.S. Office of Personnel Management, among many others. At Debevoise, Luke co-chairs the cyber and privacy practice, acting for the firm's clients on high-profile and high-stakes global and U.S. breach matters.

# Our Team Leads

## North America | United States

### Luke Dembosky



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Luke Dembosky Co-Chairs the firm's global Cyber and Data Privacy Practice. He advises companies on managing cyber risks, responding to cyber incidents, and handling related internal investigations and litigation. He is ranked among the top privacy and data security attorneys in the country by *Chambers* and as an industry leader by *The Legal 500 US*. Mr. Dembosky was named by the *National Law Journal* to its list of "Cyber Security Trailblazers" and by *Cybersecurity Docket* to its "Incident Response 30" – the 30 "best and brightest data breach response lawyers." Prior to joining Debevoise, he served as Deputy Assistant Attorney General for National Security as part of a 14-year career at the Justice Department specializing in cyber investigations and prosecutions.

### Avi Gesser



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Avi Gesser is Co-Chair of the firm's Data Strategy & Security Group. His practice focuses on advising major companies on a wide range of cybersecurity, privacy and artificial intelligence matters. He has represented global financial services firms, private equity firms, insurance companies, hedge funds and media organizations in large-scale ransomware attacks, cyber breaches by nation-states, and regulatory investigations relating to the use of artificial intelligence. Mr. Gesser regularly advises boards and senior executives on governance, risk, and liability issues relating to cybersecurity and AI. Mr. Gesser is also a primary author of the firm's Data Blog and the architect of the Firm's Data Portal, an online tool that helps clients quickly assess and comply with their cyber breach notification obligations and tracks AI regulatory developments.

### Erez Liebermann



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Erez Liebermann is a litigation partner and a member of the firm's Data Strategy & Security Group. His practice focuses on advising major businesses on a wide range of complex, high-impact cyber-incident response matters and on data-related regulatory requirements. With decades of experience in data issues as a litigator, federal prosecutor and senior in-house counsel at a global insurance company, Mr. Liebermann regularly advises clients at the C-suite and board level on building strategies to reduce their data-related regulatory and reputational risks, and on navigating high-profile government investigations following data incidents. He is also widely acknowledged as a leading cybersecurity and data privacy professional and is ranked among the leading lawyers by *Chambers USA* (2022), where clients note that he is "one of the most intelligent attorneys, [and] very practical and great to work with."

### Maura Kathleen Monaghan



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Maura Kathleen Monaghan is a member of the firm's Litigation Department whose practice focuses on a wide range of complex commercial litigation, including regulatory and civil litigation matters involving data breaches. Ms. Monaghan is recognized as a "Litigation Star" by *Benchmark Litigation* and as one of the "Top 250 Women in Litigation" in the *IFLR Benchmark Litigation Guide*.

## Jim Pastore



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Jim Pastore is a litigation partner and a member of the firm's Cybersecurity & Data Privacy practice and Intellectual Property Litigation Group. His practice focuses on privacy and cybersecurity issues. Mr. Pastore is recognized by *Chambers USA* and *The Legal 500 US* for his cybersecurity work, and was included in *Benchmark Litigation's Under 40 Hot List* which recognizes attorneys under 40 with outstanding career accomplishments. Mr. Pastore has also twice been named to *Cybersecurity Docket's* "Incident Response 30," a list of the best and brightest data breach response attorneys. Prior to rejoining Debevoise in 2014, Mr. Pastore served for five years as an Assistant United States Attorney in the Southern District of New York where he spent most of his time as a prosecutor with the Complex Frauds Unit and Computer Hacking and Intellectual Property Section.

## Lisa Zornberg



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Lisa Zornberg is a member of Debevoise & Plimpton's White Collar & Regulatory Defense Group, where her practice focuses on white collar defense, regulatory enforcement actions and internal investigations – including cyber investigations – for corporations and financial institutions, as well as complex civil litigation. Prior to joining Debevoise in 2019, Ms. Zornberg was Chief of the Criminal Division of the United States Attorney's office in the Southern District of New York where she oversaw all criminal investigations and prosecutions, including of cybercrime, terrorism and national security offenses, fraud, public corruption, money laundering and violent crime.

## Kristin A. Snyder



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Kristin Snyder is a litigation partner and member of the firm's White Collar & Regulatory Defense Group. Her practice focuses on securities-related cybersecurity, regulatory and enforcement matters, particularly for private investment firms and other asset managers. Ms. Snyder is recommended by *The Legal 500 US* (2022). Prior to her role at Debevoise, Ms. Snyder served at the U.S. Securities & Exchange Commission (SEC) for 18 years, most recently serving as the Deputy Director of the Division of Examinations resident in its San Francisco Regional Office. In her role, she spearheaded the development of examination priorities for the national and international examination programs covering a spectrum of SEC registrants including investment advisers, investment companies, and broker-dealers.

## David Sarratt



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David Sarratt is a partner in the firm's Litigation Department. He is a seasoned trial lawyer whose practice focuses on government enforcement actions, internal investigations and complex civil litigation for financial institutions and other clients. Mr. Sarratt has particular experience in matters relating to compliance with the Bank Secrecy Act and the Foreign Corrupt Practices Act, as well as with novel enforcement issues arising from new technologies.

## Bruce E. Yannett



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Bruce Yannett is Chair of the White Collar & Regulatory Defense Practice Group and also served as Deputy Presiding Partner of the firm from July 2011 until June 2022. He focuses on white collar criminal defense, regulatory enforcement and internal investigations. He represents a broad range of companies, financial institutions and their executives in matters involving securities fraud, accounting fraud, foreign bribery, cybersecurity, insider trading, and money laundering. He has extensive experience representing corporations and individuals outside the United States in responding to inquiries and investigations. Mr. Yannett's practice also encompasses complex litigation, including derivative cases, shareholder actions and commercial disputes.



## Charu A. Chandrasekhar



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Charu A. Chandrasekhar is a litigation counsel based in the New York office and a member of the firm's White Collar & Regulatory Defense Group. Her practice focuses on securities enforcement and government investigations, including cybersecurity issues and internal investigations. Prior to joining the firm, Ms. Chandrasekhar served as an Assistant Regional Director in the SEC's Division of Enforcement and as the founding Chief of the Division's Retail Strategy Task Force. Ms. Chandrasekhar also served as a Senior Advisor and Senior Counsel in the Division of Enforcement's Market Abuse Unit.

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## Johanna Skrzypczyk



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Johanna Skrzypczyk is a counsel in the Data Strategy and Security practice of Debevoise & Plimpton LLP. Her practice focuses on advising AI matters and privacy-oriented work, particularly related to the California Consumer Privacy Act. Prior to joining Debevoise, Ms. Skrzypczyk served as Assistant Attorney General in the Bureau of Internet and Technology at the New York Attorney General's Office. In this role, she helped draft the amendments to New York's data breach law (known as the SHIELD Act), investigated, litigated, and negotiated the landmark settlement of an action against a national corporation regarding credential stuffing, one of the very few regulatory actions to address this widespread type of cyberattack, and co-led an initiative involving potential discriminatory impacts of AI. Ms. Skrzypczyk also worked on matters involving consumer privacy, data security and virtual markets.

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## Christopher S. Ford



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Christopher S. Ford is a counsel in the Litigation Department who is a member of the firm's Intellectual Property Litigation group and Cybersecurity & Data Privacy practice. His practice focuses on trademark, cybersecurity, and data privacy issues. His cybersecurity and data privacy practice includes advising clients on incident preparation and response, as well as related criminal and civil litigation and regulatory investigations. His recent matters include managing responses to corporate data breaches, ransomware incidents, and other data security issues, as well as assisting a wide range of the firm's clients in managing their cybersecurity and related supply chain risks.

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## Kim T. Le



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Kim T. Le is a corporate counsel and a member of the firm's Healthcare & Life Sciences Group. She is also active in the firm's Data Strategy & Security practice. As a leading practitioner on privacy, data security and cyber-security issues, Ms. Le provides expertise in data breach reporting, including covered entity and business associate obligations under the HIPAA breach notification rule and audit response. Further, Ms. Le counsels clients regarding privacy and security preparedness, routinely redesigning compliance programs for provider organizations, hybrid entities, service vendors and technology companies to improve operational effectiveness and decrease compliance risk.

## Anna R. Gressel



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Anna R. Gressel is a senior associate and a member of the firm's Data Strategy and Security Group and its FinTech and Technology practices. Her practice focuses on representing clients in regulatory investigations, supervisory examinations, and civil litigation related to artificial intelligence ("AI") and other emerging technologies. Ms. Gressel has a deep knowledge of regulations, supervisory expectations, and industry best practices with respect to AI governance and compliance. She regularly advises boards and senior legal executives on governance, risk, and liability issues relating to AI, privacy, and data governance. Her recent matters include assisting global financial institutions, publicly traded companies, insurers, and technology companies in establishing AI and data governance policies and procedures, advising on relevant regulatory and compliance obligations, and conducting targeted assessments of internally developed or third-party technologies. Ms. Gressel is an active thought leader and speaker on AI and data regulatory and litigation trends, including before agencies such as the U.S. Food and Drug Administration, and she regularly participates in industry efforts to establish best practices in the areas of AI explainability, risk assessment, and governance.

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## Michael R. Roberts



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Michael R. Roberts is a senior associate in Debevoise & Plimpton's global Data Strategy and Security Group and a member of the firm's Litigation Department. His practice focuses on privacy, cybersecurity, data protection and emerging technology matters. He advises clients on regulatory investigations, incident response, crisis management strategies, privacy and information security program development and management, as well as compliance counseling regarding evolving laws and regulations, such as the California Consumer Privacy Act (CCPA), the California Privacy Rights Act (CPRA), and the New York State Department of Financial Services (NYDFS) Cybersecurity Regulation.

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## Alexandra P. Swain



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Alexandra P. Swain is a litigation associate. Her practice focuses on intellectual property, data privacy and cybersecurity issues. Her recent matters include assisting clients in the banking, finance, healthcare, and manufacturing sectors in responding to data security incidents including nation-state attacks, email compromises, and ransomware attacks; defending financial services clients in government investigations related to cyber incidents; advising clients on data privacy issues; and representing clients in trademark litigation and in other trademark and copyright disputes.

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## Tigist Kassahun



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Tigist Kassahun is a corporate associate and a member of the firm's Intellectual Property and Mergers & Acquisitions Groups, as well as a frequent collaborator with the firm's Data Strategy & Security practice. Ms. Kassahun is experienced in leading intellectual property and technology transactions and advising clients on related matters, including intellectual property protection, data privacy and cybersecurity. She regularly represents a broad range of clients across the technology, financial services, arts, telecommunications, private equity, entertainment, healthcare and insurance industries.

## Mengyi Xu



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Mengyi Xu is an associate in the Litigation Department and a Certified Information Privacy Professional (CIPP/US). As a member of the firm's interdisciplinary Data Strategy & Security practice, she helps clients navigate complex data-driven challenges, including issues related to cybersecurity, data privacy, and data and AI governance. Mengyi's cybersecurity and data privacy practice focuses on incident preparation and response, regulatory compliance, and risk management.

## Europe | United Kingdom

### Jane Shvets



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Jane Shvets is a partner who splits her time between our London and New York offices, and who plays a leading role in our Cybersecurity & Data Privacy and White Collar practices. Ms. Shvets has significant expertise in global compliance advice, with a particular emphasis on EU data protection and data transfer issues and managing cross-border data flows associated with complex multinational litigation and investigations as well as foreign corrupt practices legislation. She is the co-author of multiple publications on implications for cross-border data flows of Brexit, the upcoming General Data Protection Regulation (GDPR), the EU-U.S. Privacy Shield, and other developments in the law. Ms. Shvets is a native Russian speaker and is proficient in Ukrainian.

### Karolos Seeger



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Karolos Seeger is a partner in the firm's White Collar & Regulatory Defense Group and International Dispute Resolution Group, based in the London office. His practice focuses on white collar crime and internal investigations, in particular regarding compliance with corrupt practices legislation, conducting compliance assessments and creating and implementing appropriate compliance programs and procedures. He also focuses on cybersecurity and European data protection matters, as well as complex litigation and international arbitration. Mr. Seeger is a Solicitor-Advocate (Higher Rights of Audience). He is admitted to practice law in England and Wales (2000) and is an accredited Mediator with ADR Chambers. He is fluent in German and Greek and speaks French.

### Robert Maddox



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Robert Maddox is a member of our Cybersecurity & Data Privacy practice as well as our White Collar & Regulatory Defense and International Dispute Resolution Groups. His practice focuses on complex multi-jurisdictional investigations, disputes and cybersecurity matters. Prior to entering private practice, Robert interned on the defense team of Thomas Lubanga Dyilo, the first individual to stand trial before the International Criminal Court in The Hague. Robert advises clients on cybersecurity and data protection issues in the EU, including financial services reporting obligations. He publishes and speaks on these topics frequently. Robert's recent articles have been featured in *Strategic Risk* and *Global Reinsurance* and his views on the incoming EU General Data Protection Regulation were featured by *The Deal*.

## Europe | France

### Alexandre Bisch



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Alexandre Bisch is an international counsel in the Paris office and a member of the firm's Litigation Department. Mr. Bisch focuses on white collar criminal defence and commercial litigation. He advises and represents companies and their executives in matters involving criminal, regulatory and internal investigations. He also represents clients on a variety of civil and commercial disputes, including domestic and international litigations and enforcement of foreign judgments and arbitral awards.

### Fanny Gauthier



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Fanny Gauthier is a member of our International Dispute Resolution Group, as well as the firm's Cybersecurity & Data Privacy practice. Based in our Paris office, her practice focuses on complex domestic and international litigation. Prior to joining the firm last year, Ms. Gauthier trained as an intern in a Paris-based boutique firm specializing in arbitration and in the London office of a leading international law firm. She also interned with the Presidency of the French Supreme Court for civil and commercial matters, and in the financial law team of the Caisse des Dépôts et Consignations, a major public investment group. Ms. Gauthier is a native French speaker, fluent in English and proficient in Spanish.

## Europe | Germany

### Dr. Friedrich (Fritz) Popp



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Dr. Fritz Popp is a member of our Litigation Group who focuses on arbitration, litigation, internal investigations, corporate law and anti-money laundering matters. Dr. Popp regularly advises on German, Austrian and European data protection, including the upcoming European General Data Protection Regulation, and on cybersecurity. In addition, he is experienced in Mergers & Acquisitions, private equity, banking and capital markets and has published various articles on banking law. Dr. Popp is also a lecturer at the Notarial Academy of the Austrian Chamber of Civil Law Notaries. He is a native German speaker and fluent in English.

## Asia | Hong Kong

### Mark Johnson



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Mark Johnson is a partner in the firm's Hong Kong office and a member of the International Dispute Resolution Group. His practice focuses on white collar/regulatory defense matters as well as commercial litigation in Hong Kong and across Asia. Mr. Johnson joined Debevoise in March 2015. Prior to joining the firm, he was a partner at a leading international firm in Hong Kong, where he oversaw the opening of the firm's disputes practices in Singapore, Jakarta, Bangkok, Beijing, Seoul, Shanghai and Tokyo.

## Asia | Shanghai

### Philip Rohlik



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Philip Rohlik is a member of the firm's Litigation Group and leads our dispute resolution team in Shanghai. His practice focuses on international investigations, securities law and dispute resolution. It has included representation of U.S. and multinational companies in complex litigation and investigations, with a particular focus on Asia, including regularly counseling clients on relevant data protection and networks securities regulations in China. Mr. Rohlik also regularly advises corporate clients on regulatory issues arising in the course of their business around the globe or in connection with M&A transactions. Mr. Rohlik is admitted to practice law in New York and the United States District Court for the Southern District of New York, and is a solicitor admitted to appear before the High Court of Hong Kong.

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