



# Privacy & Data Security

## MEMBERS

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## RELATED PRACTICES

- Internet & E-Commerce
  - Media Operations
  - Telecom Regulation
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Lerman Senter’s Privacy & Data Security practice has grown rapidly in response to the increased focus of local, state, federal and international lawmakers on these issues and the impact of these laws on our clients’ business operations and marketing efforts, both online and offline. We provide assistance to clients in all of the following areas --

### Privacy Compliance & Website Implementation and Operation

- Develop online and offline Privacy Policies for consumers and employees that pertain to all forms of personally identifiable information in compliance with various state and federal laws.
- Develop online Terms of Use Agreements, User Content Submission Agreements, Contest Rules (for local and multi-market events), Promotional and Sponsorship Agreements, Licenses for Sharing Personal Information with Third Parties, and Publicity and Legal Liability Releases.
- Advise regarding website creation and development, including negotiation of contracts for website design, hosting and management.
- Assist with website components: placement of requisite links and disclaimers for a client’s Privacy Policy, Terms of Use and other legal documents or links; and the implementation of age screening and blocking mechanisms pursuant to the Children’s Online Privacy Protection Act.
- Advise concerning collection, processing and cross-border transfer of personally identifiable information from consumers and/or employees residing in the EU or other countries with distinct privacy practices.

### Data Security

- Conduct assessments of online and offline collection, use, disclosure, storage and disposal practices for personally identifiable information belonging to employees and consumers, including



## Privacy & Data Security (Cont)

analysis of a client's privacy practices and procedures, internal and external data flows, and vendor/operational service provider services and contracts.

- Advise and assist in investigation of security breaches, notification procedures, and corrective security measures in compliance with various state laws.
- Advise with respect to proposed federal and state legislation and regulations pertaining to state and federal data security laws, including meeting with governmental agency heads and staff, writing comments, and working with industry organizations to craft regulatory requirements and/or implementation processes.

### **Internet Marketing and Telemarketing Compliance**

- Develop and negotiate contracts for various types of operational service providers that support a client's email marketing (such as a Loyal Listener Club), contests and sweepstakes management and prize fulfillment, promotional and advertising efforts, and third-party content on the website (chat rooms, blogs, special features, music sampling, streaming and network ad servers, etc.).
- Counseling regarding various e-mail marketing issues under the CAN-SPAM Act, including the FTC's and FCC's implementing regulations, and state email laws such as the Utah and Michigan Child Protection Registries.
- Counseling regarding compliance with various federal and state telemarketing laws, including Do-Not-Call, the Telephone Consumer Protection Act, the Junk Fax Prevention Act, and the Telemarketing Sales Rule, which are applicable to business-to-business and consumer-to-business marketing communications.

### **NEWS**

- Lerman Senter Member S. Jenell Trigg Receives Distinguished Service Award from the Federal Communications Bar Association
- FTC Extends Date for Enforcement of Red Flag Rules to December 31, 2010
- S. Jenell Trigg Interviewed By AWRT's "Making Waves" Magazine
- Lerman Senter Co-Sponsors Conference on "Digital Democracy"