

Cybersecurity & Data Privacy



Introduction

**In today's dynamic environment,
companies can't stand still.**

The global flow of information creates a constantly changing puzzle: How do companies create, store, use or share data to keep up with the competition? And with the ever-changing law?

Whether your company is considering an initial public offering, assessing the risks of using a third-party vendor, facing regulatory scrutiny, defending litigation after a data breach or shaping your brand, you need a partner that works closely with you to meet today's data-driven legal needs.

**Ranked as a leading firm for Technology: Data Protection
and Privacy. — *The Legal 500 US, 2013-2015***

Cybersecurity & Data Privacy Services

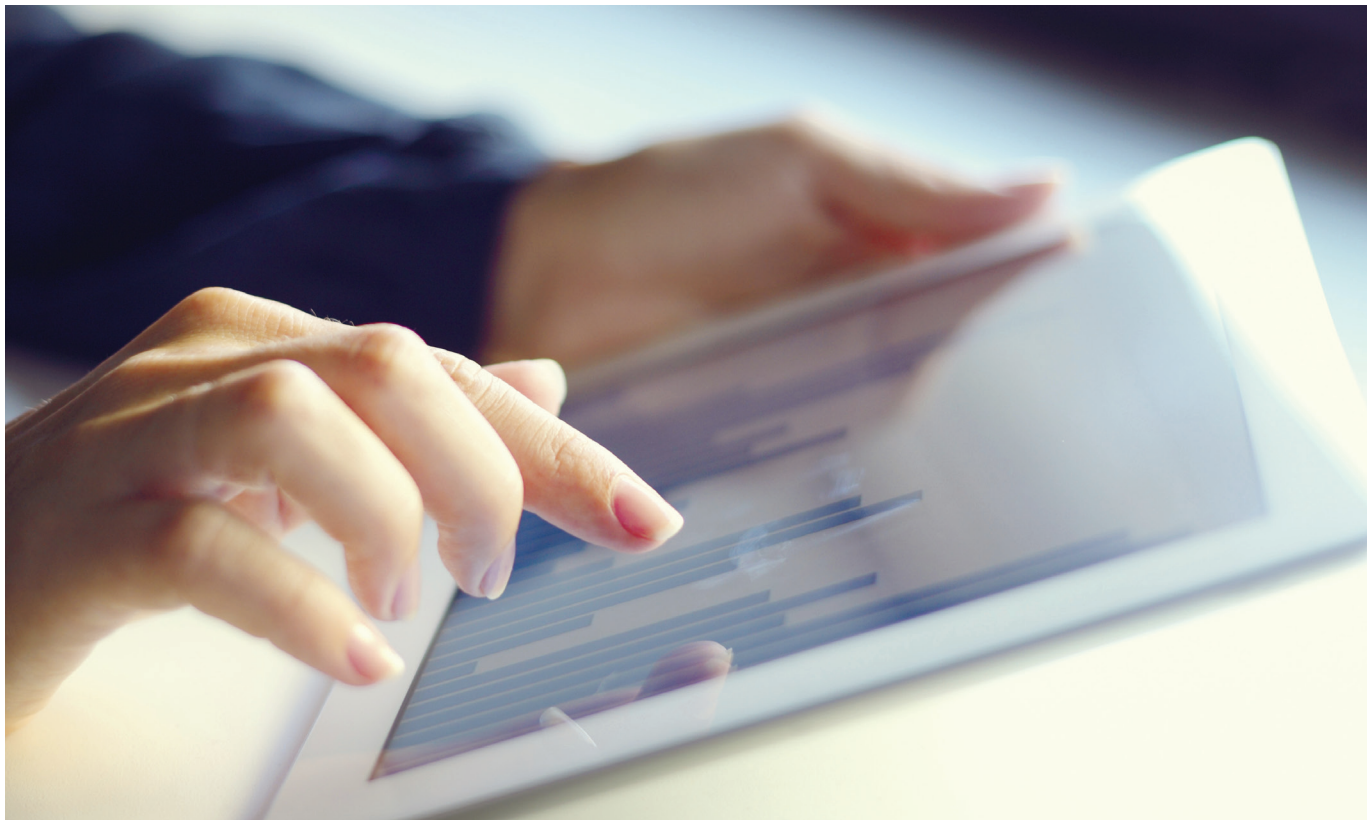
- **360° incident response services** – Debevoise helps clients navigate data breaches with the full range of needed services, including fact investigation, breach notification, law enforcement liaison, defense of civil regulatory investigations, defense of class action and derivative litigation, and attention to the needs of the board and C-Suite.
- **“Legal health check” for cyber** – In today’s dynamic regulatory environment, managing risks at the intersection of law and technology means measuring your cybersecurity posture not just against existing laws and regulations, but against anticipated changes in the legal and threat environments. We can provide a legal review of your cybersecurity program, efficiently assessing it against existing and emerging legal standards. Our work can range from a full risk assessment of your cybersecurity program to a targeted review of key areas known to attract regulatory and enforcement focus, such as access controls, encryption, multi-factor authentication and data minimization.
- **Review/refresh of privacy program** – We can provide an assessment of the company’s policies and procedures for the handling of consumer and employee personal data, with particular attention to mitigation of legal risk and the potential need to update cross-border data handling practices in light of recent legal developments in Europe and Asia.
- **Employee/affiliate training** – Periodic review and enhancement of training programs is strongly favored by regulators as a means of mitigating insider risk, both the negligent kind (*e.g.*, the proverbial lost laptop or errant email) and the intentional kind (a/k/a “Snowden risk”). We can conduct a training program review, deliver training or both.
- **Vendor review** – In many data breaches, the attack vector initially goes not through the target company itself, but through a vendor that has access to a company’s network. We can look quickly at significant vendor agreements, and at the policies and procedures for administering vendor relationships, and advise on how they might be updated to mitigate cyber/privacy risk.



- **Incident response planning** – Our services can include drafting of, or reviewing and updating, the written Incident Response Plan (IRP) that every organization should have in place for dealing with a cyber/privacy event. We also can assist with training the firm’s Incident Response Team on execution of the IRP, and with “tabletop” exercises for testing how the plan works in practice.
- **Threat updates and law enforcement liaison** – As part of an Incident Response Plan, we can help connect the company with the worldwide law enforcement resources it will need in the event of a breach. Our team includes four former federal prosecutors, including the former leader of the Justice Department’s Criminal Division, the former leader of the Department’s response to global and national security cyber threats, and two former Assistant U.S. Attorneys who brought landmark cyber cases in the country’s premier federal courts.

A Debevoise client “is a client of the whole firm,” enabling Debevoise partners to “handle the matter in a seamless way.” — *Chambers USA*

- **M&A** – Cyber risk is increasingly prominent in M&A due diligence and in the post-acquisition integration process. We can advise on policies and procedures for due diligence and for integration generally, as well as on issues raised by specific actual or potential acquisitions/investments.
- **Insurance** – Companies increasingly are concluding that cyber- and privacy-specific insurance policies are essential. Our team, with significant experience earned working inside the insurance industry, can review existing policies to assess coverages and exclusions.



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Jeremy Feigelson, a litigation partner, leads the firm's Cybersecurity & Data Privacy practice and is a member of the firm's Intellectual Property and Media Group. He frequently represents clients in litigations and government investigations that involve the Internet and new technologies. His practice includes litigation and counseling on cybersecurity, data privacy, trademark, false advertising, copyright, and defamation matters. Mr. Feigelson has a broad and active practice in financial services matters, including securities litigation, investment management disputes and counseling of fund boards, the conduct of internal reviews, defense of government investigations, and complex commercial litigation.



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Jeffrey Cunard, managing partner of the Washington, D.C. office, leads the firm's corporate intellectual property, information technology and e-commerce practices. He has broad experience in transactions, including software and technology licenses, joint ventures, mergers and acquisitions, and outsourcing arrangements. Mr. Cunard's practice also encompasses copyright litigation.



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Luke Dembosky is a litigation partner based in the firm's Washington, D.C. office and is a member of the Cybersecurity & Data Privacy practice and White Collar & Regulatory Defense Group. His practice focuses on cybersecurity incident preparation and emergency response, related civil litigation and regulatory defense, as well as national security issues. Prior to joining the firm in 2016, Mr. Dembosky served as Deputy Assistant Attorney General for National Security in the National Security Division of the U.S. Department of Justice.



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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" in the 2014 and 2015 editions of *Benchmark Litigation* and as one of the "Top 250 Women in Litigation" in the 2015 *IFLR Benchmark Litigation Guide*.



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David O'Neil is a litigation partner and member of the firm's White Collar & Regulatory Defense Group. His practice focuses on white collar criminal defense, internal investigations, privacy and cyber security, congressional investigations, and AML/sanctions enforcement defense. Prior to joining Debevoise in January 2015, Mr. O'Neil served for eight years in prominent positions within the U.S. Department of Justice.



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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 *The Legal 500 US* (2015) for his cybersecurity work. Prior to rejoining Debevoise in 2014 as counsel, Mr. Pastore served for five years as an Assistant United States Attorney in the Southern District of New York. While he was with the Criminal Division of the U.S. Attorney's Office, Mr. Pastore spent most of his time as a prosecutor with the Complex Frauds Unit and Computer Hacking and Intellectual Property Section.

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David Sarratt is a partner in the firm's Litigation Department. He is an experienced trial lawyer whose practice focuses on white collar criminal defense, internal investigations and complex civil litigation. Prior to joining the firm, Mr. Sarratt served as an Assistant United States Attorney in the Eastern District of New York from 2010 to 2014.



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Bruce Yannett is Deputy Presiding Partner of the firm and Chair of the White Collar & Regulatory Defense Practice Group. 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.



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Naeha Prakash is a corporate associate and a member of the firm's Cybersecurity & Data Privacy practice, Financial Institutions Group, and Consumer Finance practice. Based in the firm's Washington, D.C. office, Ms. Prakash's practice includes advising financial institutions and other entities on privacy matters related to the Gramm-Leach-Bliley Act, the Fair Credit Reporting Act, as well as other data privacy issues. Further, Ms. Prakash regularly assists firms on cybersecurity matters, including cybersecurity compliance with various federal and state regulatory requirements. Prior to joining the firm in 2013, Ms. Prakash was a Counsel at the Consumer Financial Protection Bureau, where she worked on fair lending and other consumer matters.



Stephanie Cipolla

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Stephanie M. Cipolla joined Debevoise in 2016 and is an associate in the Litigation Department. Her work is focused in the firm's Cybersecurity & Data Privacy and White Collar & Regulatory Defense practices. Ms. Cipolla's cybersecurity work includes assisting in developing and testing tailored incident response plans for private equity firms and other entities, and advising on data protection and regulatory issues. She received her J.D. *cum laude* from St. John's University School of Law and a B.A. *cum laude* from The University of Pennsylvania.



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Neelima Teerdhala is a litigation associate and member of the firm's Cybersecurity & Data Privacy practice and Intellectual Property and Media Group. She has experience advising and assisting companies on a wide range of cybersecurity and data privacy matters, including breach response and investigation, information security policies, incident response plans and procedures, and compliance with federal and state regulatory requirements. She has also litigated and counseled companies on trademark, copyright and false advertising matters, and has represented clients before the United States Patent and Trademark Office, the Trademark Trial and Appeal Board, and the National Advertising Division. Prior to joining the firm, Ms. Teerdhala was a strategy consultant for IBM Global Business Services where she developed business and technology strategies, evaluated IT and e-commerce initiatives, and designed technology solutions to address security and compliance concerns. Ms. Teerdhala holds a degree in computer science from the Massachusetts Institute of Technology.

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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.



Jane Shvets

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Jane Shvets plays a leading role in our Cybersecurity & Data Privacy and White Collar practices. She has represented a variety of U.S. and foreign corporate clients in white collar criminal, securities, cybersecurity, intellectual property, and international arbitration matters in various industries, including industrial, transportation, natural resources, construction, and retail. 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.



Christopher Garrett

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Christopher Garrett is a member of our Corporate Group who has significant experience advising companies on all aspects of employment law and data protection law, including handling privacy and data protection issues on a wide range of matters, with a particular emphasis on issues relating to employees. He regularly advises on data protection compliance issues, including cross-border transfers of personal data and data protection issues arising on corporate investigations. He also has a wide range of experience advising on other matters, including the employment aspects of M&A transactions, boardroom disputes, senior executive contracts and terminations, disciplinary and grievance matters, a variety of employment tribunal claims (including high-value discrimination claims), advising employers faced with industrial action, consultation on changes to occupational pension schemes, and policy and handbook reviews.



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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*.



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Saqib Alam is a member of the firm's White Collar & Regulatory Defense Group and Cybersecurity & Data Privacy practice who has experience conducting international white-collar investigations before prosecuting and investigating agencies in the UK, U.S. and Asia. His practice also focuses on high-value, complex and multi-jurisdictional litigation and arbitration matters. Mr. Alam regularly publishes and speaks on topics relating to cybersecurity and cross-border investigations. His recent articles on cybersecurity and Anti-Money Laundering have been featured in *Thomson Reuters Complanet*, *Strategic Risk* and *Global Reinsurance*.

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Antoine Kirry is a partner based in the Paris office and a member of the firm's Litigation Group. He has represented defendants in some of the most publicized insider trading cases brought before the French financial market regulator and the French criminal courts. Mr. Kirry also has broad experience in advising French and international clients with respect to acquisitions and dispositions in France and has advised clients on several of the most significant transactions of the past few years involving both publicly and privately held companies. Mr. Kirry is a member of Association Française des Avocats Conseils d'Entreprise, and also of the Swiss Arbitration Association.



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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.

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Dr. Thomas Schürle is the Managing Partner of the Frankfurt office. He works on cross-border transactions and advises on corporate governance matters, including litigation, and is active in the firm's Cybersecurity & Data Privacy practice. Dr. Schürle began his career as an administrative and antitrust lawyer, focusing on litigation. For nearly 30 years, he has been active in financing, capital markets, and M&A, relating to the biotech, IT and high-tech industries, and has led several international corporate defense cases and related investigations.



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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.

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Alan Kartashkin is a partner based in the Moscow office whose practice focuses on M&A, securities and corporate finance. Mr. Kartashkin advises boards of directors and special committees of independent directors of leading Russian companies on corporate governance issues. He has led some of the largest public M&A transactions in Russia, including the mergers of Uralkali with Silvinit and RTS with MICEX. Mr. Kartashkin joined the firm's New York office in 1996 and moved to the Moscow office in 2001. He is a member of the New York State Bar and is admitted to practice law in Russia.



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Anna Maximenko is an international counsel in the Moscow office. She is the Head of the Russian Regulatory Practice and is also an active member of our Cybersecurity & Data Privacy practice. Ms. Maximenko advises clients on matters related to antitrust, data protection, contentious and non-contentious employment, including benefits and compensation, and regulatory matters, as well as mergers and acquisitions and general corporate advice in heavily regulated industries. She also has experience advising clients on the protection and cross-border transfer of personal data and banking secrets; the safekeeping and processing of personal data and the transfer of banking secrecy data; cross-border data transfer in connection with internal anticorruption investigations and cross-border data transfer and related policies and procedures. Ms. Maximenko is admitted to practice law in Russia and is fluent in Russian and English.

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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.



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Ralph Sellar is an associate in the firm's International Dispute Resolution Group and the Cybersecurity & Data Privacy practice. He is an English-qualified litigation and regulatory defence lawyer based in Hong Kong, and has extensive experience in banking and insolvency litigation, with a particular focus on derivatives disputes. Mr. Sellar has also spoken frequently about cybersecurity issues in the Asia region and has advised financial institutions on implementing cybersecurity measures and response plans.

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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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