

DAVID P. SAUNDERS, Partner

David Saunders (CIPP/US, CIPM) is co-chair of the firm's Data Privacy and Cybersecurity Practice and a partner in its Complex Commercial Litigation Practice. Through the lens of a litigator, Mr. Saunders helps clients mitigate and manage risks related to data privacy and cybersecurity, from counseling on compliance with privacy regulations and managing data incident responses, to navigating regulatory investigations and handling biometric and other privacy-related litigation. Mr. Saunders works collaboratively with a diverse range of clients, from small business and pro bono clients to multinational Fortune 100 companies, understanding and advising on their data practices to provide guidance on the myriad issues that arise in today's digital world.

Mr. Saunders has experience conducting risk assessments, developing privacy programs, drafting privacy policies, performing due diligence for corporate transactions, negotiating vendor agreements and working with clients through data incident response. Mr. Saunders regularly counsels on HIPAA, HITECH, GLBA, CCPA and state law privacy obligations, including engaging with key rulemakers at the state level to advance clients' interests. He has litigated and helped resolve matters related to data privacy and cybersecurity issues, including navigating potential and actual regulatory investigations.

A member of the International Association of Privacy Professionals, Mr. Saunders is active in a number of community and professional associations including the Sargent Shriver National Center on Poverty Law, the Seventh Circuit Bar Association's Board of Governors and serves as the immediate past chair of the Illinois State Bar Association's Privacy and Information Security Law Committee. Mr. Saunders was a fellow in the Leadership Greater Chicago class of 2018.

Mr. Saunders maintains an active pro bono practice, having represented inmates in various actions in state and federal courts, and providing privacy program development, counseling and training to non-profits.

Practice Highlights

While not exhaustive, the below list includes some of Mr. Saunders' representative experience:

Advice and Counseling

Mr. Saunders serves international and domestic clients across a diverse range of industries, including financial services, online education, medical devices and health care, electronics, engineering and manufacturing, mass media, consumer products, consulting, telecommunications, global communications, technology, transportation and aviation. Mr. Saunders helps clients understand the federal and state laws that may apply to their businesses, and develop risk-based, tailored programs to mitigate that risk by:

- Standing up and implementing privacy compliance programs;
- Drafting and updating privacy and data retention/management policies;



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PRACTICE GROUPS

California Consumer Privacy Act (CCPA)
Class Action
Complex Commercial Litigation
Data Privacy and Cybersecurity
Financial Services Litigation
Litigation
Markets and Trading

INDUSTRY GROUPS

Cybersecurity

EDUCATION

University of Virginia School of Law, JD,
2007

University of Chicago, BA, 2004; Howell
Murray Alumni Association Award, Maroon
Key Society

ADMISSIONS

Illinois, 2007

COURT ADMISSIONS

US Court of Appeals, Seventh Circuit,
2009

US District Court, Northern District of Illinois,
2007

US District Court, Northern District of Illinois
(Trial Bar), 2015

- Developing and participating in training at the employee and Board levels;
- Conducting cybersecurity due diligence for mergers, acquisitions and other transactions;
- Drafting and negotiating privacy and security contract terms related to data sharing among business affiliates, business partners and vendors; and
- Analyzing privacy implications related to new product development.

Incident Response

From misdirected e-mails to international, enterprise-wide incidents, Mr. Saunders has counseled clients through single person impact to multi-state and international cyber security incidents including for clients in the food/beverage, education and technology, engineering, manufacturing, technology, retail and financial services spaces. Praised for his responsiveness, Mr. Saunders collaborated with clients quickly and nimbly to:

- Bring together a team of specialists to scope, understand, stop and remediate a wide variety of cybersecurity events from lost data to hacks and ransomware;
- Guide the client through public and regulatory disclosures, based on the situation;
- Counsel the client with respect to responding to inquiries from impacted data subjects and the press about an incident; and
- Assist the client to scope potential litigation risk resulting from the cybersecurity event.

Regulatory

Mr. Saunders has successfully worked with a number of state attorney general's offices and federal regulators, and advocated on behalf of clients in the telecommunications, consulting and financial services sectors whether in response to routine inquiries or in response to reported data incidents. This work has included collaborating with clients to: provide testimony and comment on existing and planned data privacy legislation at the state and federal levels and respond to investigations and inquiries by state AGs and federal regulators.

Litigation

Mr. Saunders is currently engaged in some of the most high-profile and cutting-edge litigations around biometric privacy and claims of damage resulting from data breaches, bringing creative strategies to resolve clients' most sensitive disputes. Mr. Saunders combines his decade-plus litigation experience and his deep knowledge of the privacy landscape to assist clients in the entertainment, legal and technology spaces defend their privacy practices and conduct.

- ***Mutnick v. Clearview AI Inc. et al.*** – Representing Clearview AI in numerous class actions challenging Clearview's facial recognition technology. The plaintiffs' lawsuits raise a variety of claims, including alleged violations of the Illinois Biometric Information Privacy Act.
- ***In Rosenbach v. Six Flags*** – Represent Six Flags in defense of an Illinois Biometric Privacy Act case.
- ***WMC RMBS Litigation*** – Represented WMC Mortgage, LLC, a bank owned by GE Capital, in numerous federal and state courts in a series of cases involving in mortgage-backed securities.

Awards

- *Illinois Super Lawyers*
"Rising Star" - 2014 - 2020
Illinois Super Lawyer, Civil Litigation: Defense - 2020

Community

- Cabrini Green Legal Aid
Director - 2012–2019
Chair - 2015–2017
- Leadership Greater Chicago
Fellow, 2018 Class
- Sargent Shriver National Center on Poverty Law
Member, Development Committee - 2018-present
Member, Professionals Council - 2016-2020
- St. Chrysostom's Episcopal Church
Vestry Member - 2019–present
- University of Virginia School of Law Alumni Council

Service To The Bar

- Seventh Circuit Bar Association
Treasurer
Board of Governors; Member
- Illinois State Bar Association
 - Privacy and Information Security Law Committee; Vice-Chair - 2017–2019; Chair - 2019–2020; Member, 2020-present

Publications

- Co-Author, Client Alert: Virginia Set to Become Latest State to Enact Comprehensive Consumer Privacy Law, February 8, 2021
- Co-Author, Client Alert: Fifth Circuit Vacates \$4.3M in HIPAA Civil Penalties Offering New View of HHS Regulations, January 20, 2021
- *Consumer Finance Observer* - Winter 2021, January 15, 2021
- Co-Author, Client Alert: Data Flows to the UK Post-Brexit: Hanging on in There, January 6, 2021
- Co-Author, Client Alert: California Attorney General Proposes New Amendments to CCPA Regulations, December 11, 2020
- Co-Author, Client Alert: Employer Responses to Unemployment Insurance Fraud, November 20, 2020
- Co-Author, Client Alert: EDPB Provides Guidance on Personal Data Transfers Following *Schrems II*, November 13, 2020

- Co-Author, Client Alert: California Passes Proposition 24: California Privacy Rights Act to Become Law, November 4, 2020
- “US, EU Play Chicken with Personal Data Transfers Rules,” *Bloomberg Law*, October 26, 2020
- Co-Author, Client Alert: California's Attorney General's Office Clarifies Points in New Amendments to Regulations, October 14, 2020
- “What's Next for Data Privacy: What the Current Pandemic has Revealed About Data Privacy,” IAPP Privacy Perspectives, October 2, 2020
- Co-Author, Senators Introduce New Federal Privacy Bill, September 23, 2020
- Co-Author, The California Legislature Passes New Amendments to the CCPA, September 8, 2020
- Co-Author, “5 Data Protection Issues to Consider under Brexit before Dec. 31,” *The Privacy Advisor*, August 25, 2020
- Co-Author, Client Alert: *Schrems II* - What Next for International Data Transfers?, August 18, 2020
- Co-Author, Client Alert: *Schrems II* – What Does It Mean for International Transfers under Standard Contractual Clauses?, July 21, 2020
- Co-Author, Client Alert: US-EU Privacy Shield Invalidated – What Now?, July 16, 2020
- Co-Author, “Big Data Meets Bankruptcy,” *American Bankruptcy Institute Journal*, July 2, 2020
- Co-Author, Client Alert: Attorney General's Office Submits Final Version of CCPA Regulations for Approval to Meet July 1 Enforcement Deadline, June 3, 2020
- Co-Author, Client Alert: Senators Introduce the Exposure Notification Privacy Act, June 3, 2020
- Co-Author, INSIGHT: Zooming and Attorney-Client Privilege, *Bloomberg Law*, May 26, 2020
- Co-Author, Client Alert: Democrats Unveil the Public Health Emergency Privacy Act, May 20, 2020
- Co-Author, *Consumer Finance Observer* – Spring 2020, May 14, 2020
- Co-Author, Client Alert: COVID-19 Consumer Data Protection Act 2020 Update, May 11, 2020
- Co-Author, Client Alert: COVID-19 Consumer Data Protection Act 2020, May 4, 2020
- Co-Author, Client Alert: Office of Civil Rights Issues Notification of Enforcement Discretion for Community-Based Testing Sites, April 10, 2020
- Co-Author, “California: Service Providers and the CCPA,” OneTrust's *Data Guidance*, March 25, 2020
- Co-Author, Client Alert: Free Movement of Data Post Brexit – a Possibility?, March 25, 2020
- Co-Author, COVID-19: "Working From Home: the Data Privacy Risks You Are Not Thinking About", March 23, 2020
- Co-Author, Client Alert: New York SHIELD Act Goes Into Effect, March 20, 2020
- Co-Author, Client Alert: Attorney General's Office Makes New Revisions to CCPA Draft Regulations, March 13, 2020
- Co-Author, Client Alert: "Cybersecurity Concerns with Regard to Work-from-Home Policies", March 13, 2020
- Co-Author, “A Federal Privacy Bill May be Closer than You Think,” *Bloomberg*, February 14, 2020

- Co-Author, Client Alert: Attorney General's Office Revises CCPA Draft Regulations, February 10, 2020
- Co-Author, *Consumer Finance Observer* – Winter 2020, February 5, 2020
- Co-Author, “How the CCPA Impacts Civil Litigation,” *The Privacy Advisor*, January 28, 2020
- Co-Author, Client Alert: New Bill Seeks to Update Children’s Online Privacy Protections with the PROTECT Kids Act, January 14, 2020
- Co-Author, Client Alert: New Draft of California Privacy Ballot Initiative Released, November 16, 2019
- Co-Author, *Consumer Finance Observer* – Fall 2019, November 7, 2019
- Client Alert: California Attorney General Issues Proposed CCPA Guidelines, October 14, 2019
- “What Businesses Want: A National Consumer Privacy Law,” *Law360*, September 30, 2019
- Client Alert: California Legislature Finalizes CCPA Amendments for 2019, September 18, 2019
- Co-Author, “New Frontier of US Health Info Regulation Comes from EU,” *Law360*, June 19, 2018
- “Anticipating This Year's HIPAA Enforcement Trends,” *Law360*, February 28, 2018
- “The New HHS Approach To HIPAA?” *Law360*, October 5, 2017
- Co-Author, “How Cyberattacks are Changing the Health Care Landscape,” *Law360*, July 17, 2017
- Co-Author, “Compliance Front and Center As HHS Keeps Up HIPAA Heat,” *Law360*, April 6, 2017
- “A Look Back at a Year of Record-Setting HIPAA Enforcement,” *Law360*, January 31, 2017
- Client Alert: HHS Issues HIPAA Guidance Related to Cloud Services, October 10, 2016
- Co-Author, “HIPAA Enforcement Reaches Historic Levels,” *Daily Journal*, July 19, 2016

Speaking Engagements

- “Data Privacy & Confidentiality in Cross-Border Investigations,” Lex Mundi Litigation, Arbitration & Dispute Resolution Virtual Practice Group Meeting, June 05, 2020
- “Working with Companies to Plan for Data Breach Incident Responses,” Lawline CLE Webinar, March 05, 2020
- GDPR and Cybersecurity, Society of Corporate Compliance Regional Compliance & Ethics Conference, May 03, 2019
- Moderator, “Data Breach,” Illinois State Bar Association’s Privacy and Information Security Law Section, May 08, 2018
- Just the Beginning Foundation Summer Legal Institute, August 05, 2014
- 59th Annual Meeting of the Seventh Circuit Bar Association and Judicial Conference of the Seventh Circuit, Chicago, IL, May 02, 2010 to May 04, 2010

