

This is your new

Privacy Law Answer Book

2019 Edition

Debevoise & Plimpton LLP

Edited by Jeremy Feigelson, Jim Pastore, and Jane Shvets

Presented in a question-and-answer format, *Privacy Law Answer Book 2019 Edition* makes clear sense of the patchwork of federal, state, and international laws and regulations that govern how private-sector entities handle consumers' electronic data and personal information in commercial settings.

Among the developments covered in this edition are:

California Consumer Privacy Act: The California legislature recently enacted the California Consumer Privacy Act, which will go into effect on January 1, 2020. The Act gives California consumers broad new rights to access and erase their personal information and to limit its sale. Consumers will also have a new right to sue after data breaches. Covered businesses will have significant new obligations to disclose their privacy practices, limit their use of personal data, and respond to consumers seeking to enforce their new rights. See **chapter 8, Advertising, Tracking, and Monetization of Consumer Data**, *new* QQ 8.18–8.23.

Privacy policies under the EU's GDPR: The official guidance related to the GDPR sets forth what the privacy policies of affected organizations must contain. See **chapter 2, Privacy Policies**, *new* Q 2.7.2.

State medical privacy laws: The statutes and constitutions of several states grant patients the right to request medical records from a variety of entities that may hold health data. Holders of health data need to review local laws regarding medical privacy rights before refusing to disclose an individual's medical records, and not rely solely on compliance with HIPAA. See **chapter 5, Medical Privacy**, *new* Q 5.29.

Limits on FTC cease-and-desist orders: While the FTC has historically exercised broad discretion in mandating a range of remedies, an Eleventh Circuit decision in June 2018 held that cease-and-desist orders issued by the FTC in data privacy cases are void where they do not enjoin a specific act or practice. In the wake of this decision, it is likely that FTC cease-and-desist orders will be more targeted and limited in scope, and in turn, the burden of complying with, and the

(continued on reverse)

Practising Law Institute
1177 Avenue of the Americas
New York, NY 10036
#239465

risk of violating, such orders may decrease. See **chapter 9, Privacy Enforcement and Litigation**, *new* Q 9.5.2.

Brazilian Data Protection Law: In August 2018, Brazil enacted its long-awaited Data Protection Law, to take effect in February 2020. The law, known as Lei Geral de Proteção de Dados (LGPD), was inspired by and is similar to the GDPR. The LGPD, like the GDPR, explicitly aims to have extraterritorial reach, and will apply to companies regardless of their location if the data processing happens in Brazil, if the purpose of the processing is to offer or provide goods or services in Brazil, or if the data being processed is collected in Brazil. See **chapter 10, Global Privacy Laws**, *new* QQ 10.28–10.32.

In addition, throughout the book, recent enforcement actions are discussed, and several new Case Studies have been added.

Thank you for purchasing *Privacy Law Answer Book 2019 Edition*. If you have questions about this product, or would like information on our other products, please contact customer service at info@pli.edu or at (800) 260-4PLI.