

Privacy: Regulated Personal Information (RPI)

Winston's Regulated Personal Information (RPI) Practice offers seamlessly integrated counseling and litigation services to companies looking for practical and solution-oriented assistance navigating the compliance, regulatory, and private class action enforcement risks presented by the emerging patchwork of complex (and often conflicting) privacy laws in the United States and beyond.

The U.S. privacy regulatory landscape is rapidly changing, with new laws proposed seemingly weekly that impose requirements on companies that collect, use, and share a broad class of personally identifiable information. These laws impose extensive requirements on information that was largely unregulated in the past, including identifiers as simple as consumer names. In addition, the new regulatory regime is tipping in favor of including private rights of action for violations of the laws, which creates a heightened exposure landscape for companies that fall under their purview.

These RPI statutes provide a perfect storm for litigation, since they are, as a practical matter, primarily enforced on a strict-liability basis and are tough to dismiss at the pleading stage. Compounding the risk profile is the fact that RPI statutes also provide for uncapped statutory damages, often leading to staggering damage calculations in class action matters aggressively pursued by the plaintiff's bar.

Our RPI Practice currently focuses primarily on three privacy statutes that are active breeding grounds for debilitating class action litigation: the federal Telephone Consumer Protection Act (TCPA); the Illinois Biometric Information Privacy Act (BIPA); and the California Consumer Privacy Act (CCPA). Our RPI attorneys also have experience with other key privacy statutes, including the California Privacy Rights Act (CPRA), which significantly amends and expands the existing CCPA; the California Invasion of Privacy Act (CIPA); the Florida Telephone Solicitation Act (FTSA); the Florida Security of Communications Act (FSCA); and the Video Privacy Protection Act

(VPPA). We actively monitor and advise companies regarding the growing number of similar laws regulating personal and biometric information appearing in state legislatures nationwide. Through this work, we help to develop and implement proactive strategies for those companies looking to mitigate future legal exposure in this developing field.

We take a cross-practice approach to addressing the challenges posed by these privacy statutes. We help companies across all industries understand and address their obligations under these laws while proactively taking steps to mitigate potential regulatory and class action exposure. We provide companies an integrated approach across the counseling and litigation spectrum—an offering few law firms can deliver—and it is our collective experience that provides companies comfort and clear guidance in a legal environment full of vague and quickly developing case law.

Our RPI team—co-chaired by a former federal privacy regulator and a noted consumer class action defense lawyer—is fully staffed with experienced counselors and litigators who thrive on advising companies as to how to navigate their privacy obligations.

Key Contacts

[Sean G. Wieber](#)

[Alessandra Swanson](#)

“...They work together to produce results. Not only are the experts in the law, but they are also mindful of using resources effectively to achieve the best result for the client.”

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