



Presents

Privacy Law in Practice: Essential Knowledge for New York Attorneys

December 4, 2025
1:00 pm - 2:00 pm

Presenters: Laila S. Varcie, Esq.



Privacy Law in Practice: Essential Knowledge for New York Attorneys

Presented by Laila Varcie Esq.

Introduction

Learning objectives for Today

- **Importance of privacy compliance for NY attorneys**
- **How privacy intersects with professional responsibility**

Q: What's one privacy issue your clients have raised recently?

Citation Footer: N.Y. Rules of Professional Conduct §1.6(c); 22 NYCRR Part 1500.

Privacy Fundamentals for NY Attorneys

Understanding the Privacy Landscape

- **U.S. privacy system overview: sectoral vs. comprehensive**
- **Key federal statutes: GLBA, HIPAA, COPPA, FERPA, FTC Act**
- **NY-specific: SHIELD Act (2019)**
- **Global impact: GDPR, cross-border data issues**

Q: Interactive Prompt: Poll: Which law do you encounter most often – HIPAA, GDPR, or SHIELD?

The New York SHIELD Act

SHIELD Act: The Foundation of NY Privacy Compliance

- **Expands definition of personal information**
- **Applies to all businesses handling NY residents' data**
- **Reasonable safeguards standard**
- **Breach notification requirements**

Case scenario: A law firm laptop with unencrypted client data is stolen. What steps must you take under the SHIELD Act?



The New York Privacy Act (NYPA) & Minors' Privacy

Emerging Developments in NY Privacy Law

Overview of proposed NY Privacy Act (pending legislation)

- **New York Child Data Protection Act (2024) – key provisions**
- **Prohibition on targeted advertising to minors**
- **Parental consent and data minimization standards**

Citation Footer: NY Child Data Protection Act, 2024; S7694/A8148

Attorney Ethics & Data Responsibility

Confidentiality in the Digital Age

- **Rule 1.6(c): Duty to protect confidential information**
- **Cybersecurity obligations (22 NYCRR 1500.14)**
- **Vendor and cloud storage considerations**
- **Responding to a breach: ethical and legal duties**

Interactive Prompt: What safeguards do you use to protect client data? (e.g., encryption, MFA, data retention policies)

Citation Footer: N.Y. Rules of Prof'l Conduct §1.6(c); ABA Formal Opinion 483

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Cross-Border & Multi-Jurisdictional Considerations

Privacy Beyond State Lines

- Multi-state privacy landscape: CA, VA, CT, CO, UT
- International compliance: GDPR, data transfers, SCCs
- NY firms with global clients: risk and mitigation

Citation Footer: Regulation (EU) 2016/679 (GDPR); CCPA/CPRA.

Emerging Trends & AI Regulation

The Next Frontier

- AI, Biometrics & Data Ethics
- AI governance & privacy implications
- Biometric data and facial recognition laws
- FTC enforcement in AI and data transparency
- Preparing for the NY AI Accountability Act

Citation Footer: FTC AI Guidance (2024); N.Y. AI Accountability Act (proposed).

Practical Steps & Resources

Practical Steps & Resources

- Building a Privacy-Resilient Practice
- Conduct privacy impact assessments
- Maintain data retention and deletion policies
- Educate staff on privacy hygiene

Key resources: IAPP, NYSBA Cybersecurity Task Force, ABA Privacy Law Section

Citation Footer: IAPP Privacy Professionals Guide; ABA Cybersecurity Handbook (2023).

Takeaways & Final Reflections

- More privacy laws every NY attorney must know
- Ethical duties in digital practice
- Key steps for compliance and client trust

Citation Footer: 22 NYCRR Part 1500; NYSBA CLE Guidelines

Thank you for your time
Please feel free to reach out with any
questions!

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