

Linda C. Emery

Partner / National Chair, Data Privacy & Security Practice Group

Linda Emery is the chair of the firm's Data Privacy & Security Industry Team. With a wealth of experience across a broad array of industries, Linda advises clients on:

Data Breach Incident Response and Defense

One of the most challenging times for a business is when they experience or suspect a data breach. Whether the incident involves multiple jurisdictions throughout the globe or a small internally-contained incident, Linda guides clients with a steady hand and laser focus through the myriad issues they must confront. From taking the first call, to developing a strategy, to engaging necessary data security forensic experts, and to negotiating with insurance carriers, Linda serves as a trusted advisor to companies weathering the storm of a data breach. Linda has considerable experience working with ransomware attacks as well as phishing and social engineering scams, including cross-border incidents.

Linda's approach is thorough, legally compliant and cost-effective, using technology, established industry resources, and the deep talent and experience she and her team possess in data breach incident management. Her priority is to minimize legal and reputational risk across the critical timeline of effective incident response. Timely notifications are a key element in any response, and Linda and her experienced team of lawyers and staff execute response notifications to impacted individuals and government agencies alike. She also advises businesses on the legal aspects of any media/PR responses and necessary internal communications.

In short, Linda mobilizes a comprehensive and customized approach to the specific demands of the incident in concert with and on behalf of the organization.

Data Privacy Counseling

- National and global data privacy and cybersecurity legal and business issues
- International and US-based data breach incident response and defense
- Comprehensive data privacy and security programs, protection strategies, and risk mitigation
- Privacy policies and notices
- Compliance with US federal and state privacy law requirements, including FTC regulations, Gramm-Leach Bliley, FERPA, HIPAA, COPPA, CFAA, ECPA and CCPA



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- Global privacy obligations under GDPR, PIPEDA, CASL and other rapidly emerging international privacy laws
- Consumer marketing databases and permissible uses of data
- Data sharing with affiliates, and agreements with third-party affiliates to ensure protection of customer information
- Data privacy training

Linda works with clients to meet requirements in industry specific areas, such as manufacturing, consumer products, retail and e-commerce, franchise, education, healthcare, communications, and financial services companies, as well as industry requirements such as PCI-DSS.

COVID-19 Counseling

Linda has assisted clients throughout the COVID-19 pandemic with numerous privacy issues. She has advised on how to comply with data privacy laws when using new technologies to contact trace, temperature check, and handle issues when employees or visitors show symptoms or test positive for the virus.

Internet of Things (IoT) and Emerging Technologies

Linda has worked closely with clients in transformative technologies, including smart devices, the IoT and connected devices, and in areas of machine learning and artificial intelligence licensing. She uses her background in technology, privacy and telecommunications to advise clients on the data privacy and security laws that impact this fast-paced environment. She has advised clients in areas ranging from cyber-attacks on interconnected devices to product liability claims to intellectual property risks to the Federal Trade Commission's Guidance on the IoT. Linda also advises on emerging state laws governing connected products, such as California's "Security of Connected Devices" law.

E-Commerce

Linda works with many clients who have a substantial e-commerce footprint. She addresses their practical legal needs by developing legal agreements, and the policies and procedures required to operate a successful e-commerce enterprise. She prepares online terms of sale, website terms of use, privacy policies, cookie policies, Digital Millennium Copyright Act (DMCA) policies and related agreements for use with company websites, mobile applications and e-commerce portals. She utilizes her deep experience with Sales of Goods Act laws (UCC-Article 2) as a strong basis for online contracting.

In connection with this e-commerce work, Linda provides advice to businesses on Federal Trade Commission regulations and guidance concerning protection of consumers in e-commerce transactions, avoiding

unfair trade practices, social media influencer rules, prompt delivery rules, and related state law requirements when applicable.

Software Licensing and Technology Transactions

Most technology and software licensing and purchase transactions require a complex understanding of the sales of goods, intellectual property licensing, indemnifications and limitations of liability, and data privacy and security, all under the umbrella of a Company's technology needs.

Linda's years of experience drafting and negotiating complex agreements is of certain value to clients in preparing software development agreements, software licensing, cloud service agreements, support agreements, confidentiality and non-disclosure agreements, and managed services agreements, as well as data sharing agreements, and joint venture agreements. Whether it is negotiating enterprise resource planning (ERP) systems, human resource information services (HRIS) agreements, electronic health records (EHR) systems, or point-of-sale agreements, Linda has negotiated on behalf of and against some of the largest companies in the world.

Legal Services

- [Data Privacy & Security](#)
- [Intellectual Property Strategic Counseling](#)
- [Business Law](#)
 - [Commercial Contracting](#)

Education and Honors

- Northwestern University, Kellogg School of Management, Certificate, Quarles & Brady Leadership Program (2018)
- Georgetown University Law Center (J.D., *cum laude*, 1986)
- Northwestern University (B.A., 1983)

Bar Admissions

- Wisconsin
- Illinois
- Missouri

Court Admissions

- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Northern District of Illinois
- U.S. Court of Appeals, 8th Circuit

Professional and Civic Activities

- International Association of Privacy Professionals



Professional Recognition

- Named a 2017 Women in the Law by *Wisconsin Law Journal*