





# Patricia M. Carreiro

SHAREHOLDER

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## Overview

Trish Carreiro is an experienced cybersecurity and privacy litigator who advises clients on privacy, cybersecurity, and artificial intelligence. She is certified by the International Association of Privacy Professionals (IAPP) as a certified information privacy professional (CIPP/US), certified information privacy manager (CIPM), and fellow in information privacy (FIP), and is co-chair of the IAPP's South Florida chapter.

Trish is experienced in high-stakes litigation and has particular depth of experience in:

- Privacy and cybersecurity program management in highly regulated industries, such as insurance, health care, and financial services.
- Privacy compliance for large organizations seeking broad privacy compliance.
- Proactive risk management regarding new and emerging technologies, such as artificial intelligence, website technologies, and digital advertising.

Trish's expertise navigating complex requirements and proactively minimizing risk based on her unique litigation perspective has served her particularly well advising clients on the use of emerging technologies in highly regulated industries. Trish serves as outside privacy and cybersecurity counsel to companies of all sizes, tailoring her advice to her clients' particular legal needs and risk tolerance. Her clients range from *Fortune* 500 companies to small universities and health care startups.

Insurers and financial services entities currently make up a majority of Trish's practice. She has helped numerous insurers, broker-dealers, producers, and investment advisers navigate the morass of state and federal privacy laws to market their products in new and innovative ways, streamline their privacy compliance, adjust to changing laws, digitize their application process, increase consumer engagement, and apply new technologies and data to underwrite their risk. From drafting the necessary notices and consents, to developing the process for presenting and recording authorizations, Trish has used her expertise to help propel the industry forward.

In the health care sphere, Trish has been advising clients and publishing thought leadership for nearly a decade. When COVID-19 struck, Trish was one of the first to begin writing about the privacy and cybersecurity challenges facing the health care industry, and how to navigate them. She has represented health care providers in class action breach litigation, executed data breach response for numerous health care providers, represented health care providers throughout post-breach Office for Civil Rights and attorneys general investigations, and drafted comprehensive HIPAA compliance programs for HIPAA-covered entities.

As a recognized privacy and cybersecurity thought leader, Trish uses her litigation perspective to guide clients to both avoid, and effectively handle, privacy and cybersecurity litigation. Her insights have been featured in publications including *Bloomberg Health Law & Business*, *Law360*, *Law.com*, *Corporate Counsel*, *Today's General Counsel*, *InsideCounsel*, *The Cybersecurity Law Report*, *Data Breach Today*, *Health IT Security*, *Healthcare IT News*, *Healthcare Infosecurity*, *Life Annuity Specialist*, *Fierce Healthcare*, *Daily Business Review*, *Miami Herald*, *Dark Reading*, *STAT*, and *Tampa Bay Business Journal*.

Her prior experience includes time with the U.S. Department of Justice Criminal Division's Fraud Section, the U.S. Securities and Exchange Commission Division of Enforcement, the New York State Attorney General's Medicaid Fraud Unit, and the Connecticut Commission on Human Rights and Opportunities. She is proficient in Spanish and Portuguese.

Trish is the chair of the firm's Cybersecurity and Privacy Practice.

## Experience

### **Artificial Intelligence and Emergent Technologies**

- Advised businesses of varying sizes regarding use of artificial intelligence, including analysis of risks, required policies and procedures, contract negotiations, and required disclosures and rights associated with the same.
- Counseled businesses across industries regarding use of various technologies and methods for increasing digital engagement.

## **Privacy and Cybersecurity Class Action Litigation**

- Advised one of the nation's largest banks on possible causes of action, defenses, class action strategy, and litigation options following nationwide data breach.
- Advised large, publicly traded financial institution regarding multiple data breach class actions.
- Defended health care provider in class action breach litigation stemming from ransomware attack.
- Represented various entities in responding to consumer allegations of privacy violations, including in relation to website technologies, such as Meta Pixel and cookies.

## **Privacy Compliance**

### *Financial Institutions*

- Advised multiple large brokerages regarding privacy policy program needs, including privacy notices, data processing agreements, and internal policies and procedures.
- Advised large life insurers and affiliated producers regarding privacy compliance throughout development of fully electronic automated underwriting application, including negotiating contractual agreements with third-party service providers, developing procedures for operationalizing and demonstrating privacy compliance, and drafting privacy policies, procedures, notices, and authorizations.
- Counseled various financial institutions, including insurers, producers, and mortgage servicers, regarding compliance with privacy laws such as the Gramm-Leach-Bliley Act (GLBA), the California Consumer Privacy Act (CCPA), the Telephone Consumer Protection Act of 1991 (TCPA), the CAN-SPAM Act of 2003, the Telemarketing Sales Rule, the Fair Credit Reporting Act, the Health Insurance Portability and Accountability Act (HIPAA), and National Association of Insurance Commissioners (NAIC) model laws, as applicable.
- Advised multiple insurers regarding:
  - Notices and consents needed when seeking information about applicants/insureds from third parties, or seeking to share applicant/insured information with third parties for transactional or marketing purposes.
  - Privacy compliance regarding contacting applicants/insureds via varying means throughout the insurance application process.
  - Development of mobile applications.
  - Handling of consumer data subject requests to know, correct, delete, or limit sharing.
  - Cybersecurity obligations.
  - Responding to, and preparing for, examinations regarding cybersecurity and privacy practices.
- Counseled financial institutions regarding intersection of the GLBA and state privacy laws, such as the CCPA.

- Advised large financial entities regarding contractual privacy provisions, privacy compliance, and cybersecurity insurance coverage.
- Drafted privacy policies, associated notices, and privacy request processing procedures for organizations across industries and regimes.

### *Health Care*

- Drafted comprehensive HIPAA compliance program for HIPAA-covered entity, including drafting associated policies and procedures.
- Managed breach response for various HIPAA entities, including covered entities and business associates, throughout breach investigation, required reporting and notifications, and any associated litigation.
- Advised business associates regarding compliance with the CCPA, including drafting necessary privacy notices and establishing procedures for processing associated privacy requests.
- Advised health care entities regarding privacy compliance needs, including privacy practices, mobile application and website terms, and internal policies and procedures.

### *Privacy and Cybersecurity Program Management*

- Advised multiple *Fortune* 500 companies regarding adjustments needed to comply with new state privacy laws.
- Design and implement privacy program for large U.S.-based retailer.
- Create privacy policies and website terms of use.
- Draft and negotiate data processing agreements and contractual provisions for vendor management.
- Draft internal privacy and cybersecurity policies and procedures, including breach response, data retention/destruction, and others.
- Advise regarding privacy and cybersecurity risk management, including key contractual provisions and policy best practices.

### **Data Breach Response**

- Represented companies in investigating and responding to phishing, ransomware, business email compromises, and wire diversion schemes.
- Executed data breach response for companies of all sizes, including managing forensic investigation, data mining, and required reporting to regulators, law enforcement, media, and consumers for breaches of CPNI, GDPR data, and other personal information. Representative entities include insurers, health care providers, retailers, telecommunications carriers, and businesses large and small.
- Represented health care providers throughout post-breach Office for Civil Rights and attorneys general investigations.

# Areas of Focus

## Practices

- Cybersecurity and Privacy
- Digital and E-Commerce Engagement and Innovation
- International Privacy Compliance
- Financial Services Regulatory
- Insurtech
- International Insurance Regulatory
- Litigation and Trials
- Health Care
- Insurance

## Industries

- Property & Casualty Insurance
- Health Care
- Insurance
- Securities & Investment Companies

## Insights

03.12.2024

Change Healthcare Cyberattack Emphasizes Importance of Cybersecurity Readiness; Considerations for Hardening Your Cybersecurity Program

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01.11.2024

Lawsuits Alleging Violations of Illinois' GIPA Are Piling Into Court Like Clowns Out of a Circus Car

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01.11.2024

Preparing for 2024: Encore to 2023's Cyber and Privacy Extravaganza

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09.29.2023

12 Tips to Help Your Business Address Generative AI Risks

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09.28.2023

NAIC Privacy Working Group Goes All-in on New Draft Privacy Model

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08.02.2023

Four Points for Your Artificial Intelligence Acceptable Use Policy

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07.19.2023

Four Key Cybersecurity and Privacy Considerations for Organizations Using Generative AI

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06.14.2023

Florida Passes New Privacy Law: What It Means for Businesses

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05.25.2023

NAIC's New Privacy Protections Recipe

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05.25.2023

It's 3 AM: Do You Know What Your Website Is Doing? Tips for Reducing Regulatory and Litigation Risk Stemming From Website Technologies

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05.24.2023

It's 3 AM: Do You Know What Your Website Is Doing? Tips for Reducing Regulatory and Litigation Risk Stemming From Website Technologies

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04.18.2023

Website Tech Fueling Privacy Litigation: How to Reduce Your Risk

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03.24.2023

March Madness Begins: NAIC's New Draft Privacy Model

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02.16.2023

New Year, New Privacy Shakedowns: Six Resolutions for Keeping Warm

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02.06.2023

A New Draft Privacy Model Blooms From the NAIC Privacy Working Group

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01.24.2023

Website Data Practices Fueling Privacy Class Actions: Six Tips for Reducing Risk

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11.03.2022

SEC Plants New Cybersecurity Regulations; Time Will Tell What Will Bloom

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10.20.2022

Financial Services Cyber Fraud: The Latest Risks and Best Responses

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09.08.2022

Learn From Lemonade's Privacy Lemon: Sweeten Compliance to Lessen Litigation Bitterness

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09.03.2022

Technical Controls That Protect Data When in Use and Prevent Misuse

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05.11.2022

NAIC's Privacy Protections Working Group Plans Extended Growing Season for Fall 2023 Harvest

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05.11.2022

NAIC's New Cybersecurity Working Group Prepares for Planting

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05.11.2022

SEC Showers Down Proposed Cybersecurity Rules: 5 Steps for Staying Dry

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03.14.2022

The SEC Has Proposed a New Cyber Disclosures Rule for Public Companies

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03.11.2022

Four Takeaways From the SEC's Proposed Cyber Rule for Public Companies

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02.15.2022

SEC Plants New Cybersecurity Regulations; Time Will Tell What Will Bloom

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02.15.2022

The Health Data Use and Privacy Commission Act: Is HIPAA Getting a Facelift and Expanding Its Reach?

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01.11.2022

Regulators Forecast Storm of Cybersecurity Activity

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01.11.2022

When Congress Freezes Up, the NAIC's Privacy Protections Working Group Lights a Fire

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09.16.2021

Diving Into IoT Data? Here Are Some Privacy Considerations

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08.17.2021

Bracing for 2023: 10 Steps to Prepare for a New Era in U.S. Privacy

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07.15.2021

DFS Continues Focus on Cybersecurity: Issues Ransomware Guidance and Signals Increased Enforcement Actions

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06.15.2021

Biden Administration Issues Practical Guidance for Ransomware Attacks

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05.05.2021

Spring Is Hot for State Privacy Legislation

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05.05.2021

Cast Into the Deep: Questions for Charting New Privacy Waters

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02.19.2021

Florida's New Privacy Bill Promises Big Changes

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12.29.2020

Health Care Providers Are Under Attack. Are You Ready for 2021?

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12.15.2020

Eleventh Circuit Decisions May Chill Future Data Breach Class Actions

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06.18.2020

Final CCPA Regulations Submitted, but Compliance Burden Could Increase

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06.16.2020

HIPAA Compliance for Work-From-Home or Telehealth Programs: Five Frequently Overlooked Considerations

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06.15.2020

Industry Voices – Relaxing Telehealth Regulations Does Not Mean Relaxing Fraud Enforcement

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05.13.2020

10 Privacy Recommendations for Health App Developers From the AMA's Latest Privacy Principles

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05.06.2020

NAIC Restarts Its Work Revising Its Model Privacy Provisions

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05.04.2020

Five Steps to Prepare for Telehealth Data Breach Litigation

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04.30.2020

10 Steps for Responding to a Telehealth Data Breach

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04.24.2020

New Funds Available Under the Small Business PPP and EIDL Programs

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04.22.2020

Six Steps to Protect Against Increased Telehealth Cybersecurity Dangers

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04.13.2020

Spring Cleaning on the NAIC Model Privacy Laws

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04.13.2020

OCIE Continues Relentless Cybersecurity Focus

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04.10.2020

Federal Reserve Moves to Assist Larger Businesses

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04.01.2020

Privacy and Cybersecurity Perils in Hastily Signed Work-From-Home Vendor Contracts

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03.31.2020

Small Business Administration Loans Summary Under the CARES Act

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03.19.2020

Cybersecurity Considerations for Providers Considering Telehealth During COVID-19's State of Emergency

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03.18.2020

COVID-19 and Cybersecurity: Best Practices in an Uncertain Landscape

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01.31.2020

Here Are Seven Phrases That Can Help Your Business Avert Cybersecurity Attacks

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01.14.2020

Florida's Legislature to Consider Consumer Data Privacy Bill Akin to California's CCPA

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## News

03.22.2024

Trish Carreiro Quoted in Lexology Pro: "The Game Has Gotten Dirtier": The Life-Threatening Issue of Healthcare Ransomware"

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02.21.2024

Carlton Fields New Practice Leaders Featured in Law360: "Carlton Fields Names New Leaders of 3 Practice Groups"

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02.20.2024

Carlton Fields Names New Practice Group Leaders

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01.01.2024

Trish Carreiro Quoted in Law360: “Cybersecurity & Privacy Policy to Watch in 2024”

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08.15.2023

Trish Carreiro Quoted in Daily Business Review: “Amid Spreading Patchwork of Data Privacy Regs, Attorneys Embrace New Opportunities”

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02.16.2023

Law360: “Carlton Fields Promotes 8 Shareholders in 5 Offices”

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02.15.2023

Carlton Fields Elects Eight Attorneys to Shareholder

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10.01.2021

Clashing Laws on Consumer Data Privacy May Turn Into New Headache

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09.20.2021

Health Apps Could Face Big Fines If They Don't Disclose Privacy Breaches

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06.17.2021

Researchers Flag Privacy Risks with De-Identified Health Data

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10.05.2020

Surge in Telehealth Usage Raises New Cyber Risk, Fraud Concerns

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09.04.2020

Data Security: Telehealth's Achilles Heel?

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08.05.2020

Why a Data Security Sting Lurks in COVID-19's Long Tail

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07.07.2020

Doctors Cashing Telehealth Paychecks Run Fraud Risk After Virus

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06.23.2020

Telehealth Breach Litigation – Key Actors, Claims, Defenses, Tips

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06.15.2020

Relaxing Telehealth Regulations Does Not Mean Relaxing Fraud Enforcement

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04.22.2020

How to Keep Cybersecurity in Mind When Negotiating Work-From-Home Vendor Contracts

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04.14.2020

Carlton Fields' Trish Calhoun and Trish Carreiro Featured in Media on Privacy in the Health Care Industry

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01.31.2020

Seven Phrases That Can Help Your Business Avert Cybersecurity Attacks

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01.30.2020

Carlton Fields Adds Cybersecurity and Privacy Attorney Patricia M. Carreiro in Miami

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## Recognition

- *The Best Lawyers in America: Ones to Watch*, Commercial Litigation, Health Care Law (2024)

## Professional & Community Involvement

- Association of Life Insurance Counsel
- Connecticut Bar Association
  - House of Delegates District 12 (Hartford) Representative (2018–2019)
  - Executive Committee, Women in the Law Section (2016–2019)
- FAIR Institute
  - Cyber Insurance Workgroup (2018)

- Greater Miami Chamber of Commerce
  - Technology and Innovation Committee
- International Association of Privacy Professionals
  - Women Leading Privacy
  - Co-Chair, South Florida KnowledgeNet Chapter
- Leadership Council on Legal Diversity
  - Fellow (2024)
- National Association for Fixed Annuities
  - Education Committee
  - 2024 Leadership Forum, Planning Committee
- United Way Women United

## Speaking Engagements

- "Litigation Risk: What Every Insurer and Innovator Needs to Know," 2024 Global Insurance Symposium, Des Moines, IA (April 16, 2024)
- "Privacy, Cybersecurity, and Artificial Intelligence," Journal of International Law Symposium, University of Florida Levin College of Law (March 1, 2024)
- "The Latest Privacy Developments," Integrity Marketing Compliance Summit, Washington, D.C. (February 27, 2024)
- "Preparing for Cybersecurity and Privacy Success in 2024," National Association for Fixed Annuities (February 8, 2024)
- "Cybersecurity and Data Privacy and Rights Management," ALI CLE Conference on Life Insurance Products, Washington, D.C. (November 2, 2023)
- "What Does AI Mean for Your Business?," Artificial Intelligence Forum, Greater Miami Chamber of Commerce, Miami, FL (October 25, 2023)
- "Privacy, Cybersecurity, and Artificial Intelligence for Startups," Nova Southeastern University, Berger Entrepreneur Law Clinic (October 13, 2023)
- "Privacy and the Use of AI," Law and Compliance All Hands Meeting, Symetra Life Insurance Co. (October 12, 2023)
- "The Good, the Bad, and the Ugly: AI in the Life Insurance Industry," 2023 ALIC Fly-In, Cincinnati, OH (October 3, 2023)
- "Website Tech Fueling Privacy Litigation: How to Reduce Your Risk," Carlton Fields (April 17, 2023)
- "Cybersecurity Fraud Threats: Attacks Against Insurers, Contract Owners, and Retirement Account Holders," 2022 ALIC Regional Insurance Counsel Roundtable (October 25, 2022)

- "Financial Services Cyber Fraud: The Latest Risks and Best Responses," Carlton Fields (October 20, 2022)
- "The Latest Cyber Threats and Coverage Issues," Carlton Fields (June 28, 2022)
- "An Overview of Life Insurers' Privacy and Cybersecurity Requirements," Carlton Fields (June 21, 2022)
- "Digital Marketing: Thriving, Surviving, or Dead on Arrival?," International Association of Privacy Professionals (March 2022)
- "Data Breach Litigation," Global Aesthetics Conference (November 2021)
- "HIPAA Breaches," Miami Cosmetic Surgery & Aesthetic Dermatology Symposium (August 2021)
- "Decision-Making with FAIR - Quantification and the Rise of Class Action Lawsuits," 2020 FAIR Conference (October 2020)
- "Privacy Leaders Circle: Miami," Truyo (July 9, 2020)
- "Privacy Policy and Terms of Use Basics for Start Ups," Nova Southeastern University Shepard Broad College of Law (March 2020)
- "Evaluating Cyber Insurance Using the FAIR Doctrine," Legal Services Information Sharing and Analysis Organization (LS-ISA0) (May 2019)
- "Using FAIR to Optimize Your Cyber Insurance Coverage," 2018 FAIR Conference on Information Risk Management (October 2018)
- "Data Breach Litigation: Recent Trends and Developments," The Knowledge Group (June 2018)
- "Cyber & Law: It's Really About the Money," Evolver (January 2018)
- "Which Insurance Would Cover a Breach-Related Injury?," Healthcare Info Security (October 2017)
- "Cyber Risk and Liability Insurance: What Is It and Why You Need It," The Knowledge Group (October 2017)
- "She Leads: Women in the Law," Quinnipiac University School of Law (November 2016)
- "Cybersecurity Litigation and the Role of Cyber Insurance," Connecticut Law Tribune (September 2015)

## Credentials

### Education

- New York University School of Law (J.D., 2013)
- Duke University (B.A., 2008)

### Bar Admissions

- Florida

### Court Admissions

- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida
- U.S. District Court, District of Connecticut

- Connecticut

## Industry Specialization

## Certifications

- CIPP/US
- CIPM
- FIP

## Languages

- Spanish
- Portuguese

## Background

- Litigation Associate, Axinn, Veltrop & Harkrider LLP, Hartford, CT (2015–2019)
- Litigation Associate, Wofsey Rosen Kweskin & Kuriansky LLP, Stamford, CT (2013–2015)