



Patricia M. Carreiro

ASSOCIATE

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Overview

Trish Carreiro is an experienced cybersecurity and privacy litigator who advises clients on privacy compliance and data breach response. She is a certified information privacy professional (CIPP/US) and certified information privacy manager (CIPM), accredited by the International Association of Privacy Professionals, and experienced in high-stakes cybersecurity litigation. She has particular depth of experience in privacy and cybersecurity program management in highly regulated industries, such as insurance, health care, financial services, and telecommunications. She is a privacy and cybersecurity thought leader who uses her litigation perspective to guide clients to both avoid, and effectively handle, privacy and cybersecurity litigation.

A recognized thought leader, Trish is a frequent speaker and author, including dozens of articles on cutting-edge topics such as:

- Class action breach litigation.
- The use of big data, machine learning, and AI in the life insurance industry.
- The health care industry's use of health apps and wearable technology, and challenges surrounding HIPAA compliance for work-from-home and telehealth programs.

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*.

Trish is at the forefront of the burgeoning telehealth industry. When COVID-19 struck, she 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.

Trish's experience with emerging technologies has developed into a niche practice in the life insurance industry. She has helped numerous life insurers navigate the morass of state and federal privacy laws to market their products in new and innovative ways, streamline their privacy compliance, 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 insurance industry forward.

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.

Experience

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.

Privacy Compliance

Financial Institutions

- Advised large life insurer and affiliated producer 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.
 - 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 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, from financial institutions to nonprofits to retailers, including drafting sample communications and scripts.

Telecommunications

- Counseled and managed large telecommunications carrier regarding customer proprietary network information (CPNI) breach response and associated reporting and notifications.
- Advised large telecommunications carrier on legal compliance and risk-reducing steps for numerous proposed uses and sharing of CPNI.

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 associate regarding compliance with the CCPA, including drafting necessary privacy notices and establishing procedures for processing associated privacy requests.

Privacy and Cybersecurity Program Management

- 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 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.

All Insights

05.11.2022	NAIC's New Cybersecurity Working Group Prepares for Planting
05.11.2022	NAIC's Privacy Protections Working Group Plans Extended Growing Season for Fall 2023 Harvest
05.11.2022	SEC Showers Down Proposed Cybersecurity Rules: 5 Steps for Staying Dry
03.14.2022	The SEC Has Proposed a New Cyber Disclosures Rule for Public Companies <i>ABA Securities Litigation Practice Points</i>
03.11.2022	Four Takeaways From the SEC's Proposed Cyber Rule for Public Companies
02.15.2022	SEC Plants New Cybersecurity Regulations; Time Will Tell What Will Bloom
02.15.2022	The Health Data Use and Privacy Commission Act: Is HIPAA Getting a Facelift and Expanding Its Reach?
01.11.2022	Regulators Forecast Storm of Cybersecurity Activity

01.11.2022	When Congress Freezes Up, the NAIC's Privacy Protections Working Group Lights a Fire
09.16.2021	Diving Into IoT Data? Here Are Some Privacy Considerations
08.17.2021	Bracing for 2023: 10 Steps to Prepare for a New Era in U.S. Privacy
07.15.2021	DFS Continues Focus on Cybersecurity: Issues Ransomware Guidance and Signals Increased Enforcement Actions
06.15.2021	Biden Administration Issues Practical Guidance for Ransomware Attacks
05.05.2021	Cast Into the Deep: Questions for Charting New Privacy Waters
05.05.2021	Spring Is Hot for State Privacy Legislation
02.19.2021	Florida's New Privacy Bill Promises Big Changes
12.29.2020	Health Care Providers Are Under Attack. Are You Ready for 2021?
12.15.2020	Eleventh Circuit Decisions May Chill Future Data Breach Class Actions
06.18.2020	Final CCPA Regulations Submitted, but Compliance Burden Could Increase
06.15.2020	HIPAA Compliance for Work-From-Home or Telehealth Programs: Five Frequently Overlooked Considerations
06.15.2020	Industry Voices — Relaxing Telehealth Regulations Does Not Mean Relaxing Fraud Enforcement <i>Fierce Healthcare</i>
05.13.2020	10 Privacy Recommendations for Health App Developers From the AMA's Latest Privacy Principles
05.06.2020	NAIC Restarts Its Work Revising Its Model Privacy Provisions
05.04.2020	Five Steps to Prepare for Telehealth Data Breach Litigation
04.30.2020	10 Steps for Responding to a Telehealth Data Breach
04.24.2020	New Funds Available Under the Small Business PPP and EIDL Programs
04.21.2020	Six Steps to Protect Against Increased Telehealth Cybersecurity Dangers

04.13.2020	OCIE Continues Relentless Cybersecurity Focus
04.13.2020	Spring Cleaning on the NAIC Model Privacy Laws
04.09.2020	Federal Reserve Moves to Assist Larger Businesses
04.01.2020	Privacy and Cybersecurity Perils in Hastily Signed Work-From-Home Vendor Contracts
03.31.2020	Small Business Administration Loans Summary Under the CARES Act
03.19.2020	Cybersecurity Considerations for Providers Considering Telehealth During COVID-19's State of Emergency
03.18.2020	COVID-19 and Cybersecurity: Best Practices in an Uncertain Landscape
01.31.2020	Here Are Seven Phrases That Can Help Your Business Avert Cybersecurity Attacks <i>Miami Herald</i>
01.14.2020	Florida's Legislature to Consider Consumer Data Privacy Bill Akin to California's CCPA

All News

10.01.2021	Clashing Laws on Consumer Data Privacy May Turn Into New Headache
09.20.2021	Health Apps Could Face Big Fines If They Don't Disclose Privacy Breaches
06.17.2021	Researchers Flag Privacy Risks with De-Identified Health Data
10.05.2020	Surge in Telehealth Usage Raises New Cyber Risk, Fraud Concerns
09.04.2020	Data Security: Telehealth's Achilles Heel?
08.05.2020	Why a Data Security Sting Lurks in COVID-19's Long Tail
07.07.2020	Doctors Cashing Telehealth Paychecks Run Fraud Risk After Virus
06.23.2020	Telehealth Breach Litigation – Key Actors, Claims, Defenses, Tips
06.15.2020	Relaxing Telehealth Regulations Does Not Mean Relaxing Fraud Enforcement
04.22.2020	How to Keep Cybersecurity in Mind When Negotiating Work-From-Home Vendor Contracts

- 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

Professional & Community Involvement

- 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)
- International Association of Privacy Professionals
 - Women Leading Privacy
 - Co-Chair, South Florida KnowledgeNet Chapter
- United Way Women United

Speaking Engagements

- "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-ISA) (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
- Connecticut

INDUSTRY SPECIALIZATION CERTIFICATIONS

- CIPP/US
- CIPM

LANGUAGES

- Spanish
- Portuguese

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

Background

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

Areas of Focus

PRACTICES

- Cybersecurity and Privacy
- Financial Services Regulatory
- International Insurance Regulatory
- International Privacy Compliance
- Litigation and Trials
- Property & Casualty Insurance

INDUSTRIES

- Health Care