

Publications and Presentations

Andrew Serwin

Andrew Serwin is an internationally recognized thought leader regarding information's evolving role in the economy and society, including how businesses can achieve key business objectives through the use of information, strategies companies must implement to protect and secure information, and what are appropriate uses of information. He combines a deep understanding of privacy and security regulatory issues, with advanced certification in business process improvement, and a unique understanding of cyber-security through his service on the Naval Post Graduate School's Center for Asymmetric Warfare Advisory Team.

Mr. Serwin frequently provides insights to national media outlets on these topics and has been quoted over one hundred times by media outlets such as: NPR; Reuters; Bloomberg; USA Today; the Los Angeles Times; FOX News; the Washington Internet Daily; Security Magazine; CNET News.com; MarketWatch; TechWeb; the San Diego Union-Tribune; the Daily Transcript; the San Diego Business Journal; and the Cincinnati Enquirer. He has also written some of the leading works on information and privacy, and he has been cited by:

- The Alabama Law Review;
- The Berkeley Technology Law Journal;
- The California Law Review;
- *Hammond v. The Bank of New York Mellon Corp.* 2010 WL 2643307, (S.D.N.Y., June 25, 2010);
- The Hastings Law Journal;
- The Indiana Journal of Global Legal Studies;
- The Iowa Law Review;
- The John Marshall Journal of Computer & Information Law;
- *Joseph Oat Holdings, Inc. v. RCM Digesters, Inc.*, 2010 WL 5065037, (3rd Cir. December 13, 2010);
- The Kansas Journal of Law and Public Policy;
- *Ostergren v. Cuccinelli*, 615 F.3d 263 (4th Cir. 2010);
- The Pepperdine Law Review;
- The Rutgers Computer and Technology Law Journal;
- St. John's Law Review;
- The Stanford Law Review;
- The Villanova Law Review; and
- The Widener Law Journal.

Publications:

Books:

- *Information Security and Privacy: A Guide to Federal and State Law and Compliance*, (West 2010, 2011), which has been called “*the best privacy sourcebook*,” “*an indispensable resource for privacy professionals at all levels*,” and “*a book that everybody in the information privacy field should have on their desk*,”.
- *Information Security and Privacy: A Guide to International Law and Compliance*, (West 2010, 2011), named one of Thomson-Reuters’ Best Selling books for 2010.
- Lead Author, *Privacy, Security and Information Management: An Overview*, ABA Business Law Section (2011).
- Co-Author, Information security and risk management (ISRM), *Complinet Complete: Practitioner’s Guide for Broker Dealers*, (2011).
- Lead Author, United States chapter, *The European Lawyer Reference Series, Data Protection and Privacy, Jurisdictional Comparisons*, (Thomson-Reuters 2011).
- Co-Author, Chapter 19, The Consumer Legal Remedies Act, in *California State Antitrust and Unfair Competition Law*, (LexisNexis 2009).
- *Information Security and Privacy: A Practical Guide to Federal, State and International Law*, (West 2006, 2007, 2008, 2009).
- *Internet Marketing Law Handbook*, (West 2005, 2006, 2007, 2008, 2009, 2010, 2011).
- West’s Corporate Counsel’s Primer on International Privacy and Security (July 2007).
- Co-Chair and principal author of the Privacy and Security Section of the ABA’s, *Selling Products and Services and Licensing Software Online: An Interactive Guide With Legal Forms and Commentary to Privacy, Security and Consumer Law Issues*, (June 2007).
- Author of the advertising section of the *ABA Model Web Site: A Knowledge Management Approach to E-Business model web site*, published February 2005.

Law Review Articles:

- *Privacy 3.0—The Principle of Proportionality*, 42 U. Mich. J.L. Reform 869 (2009).
- *Poised on the Precipice: A Critical Examination of Privacy Litigation*, 25 Santa Clara Computer & High Tech. L.J. 883 (2009), cited by cited by *Hammond v. The Bank of New York Mellon Corp.* 2010 WL 2643307, (S.D.N.Y., June 25, 2010), and *Joseph Oat Holdings, Inc. v. RCM Digesters, Inc.*, 2010 WL 5065037, (3rd Cir. December 13, 2010).
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- Data Breaches and the Phantom Damage Allegation, The Lares Institute, July 2011.
- Social Media: Understanding User Patterns and Compliance Issues, The Lares Institute, June 2011.

Articles:

- Understanding Google's Recent Changes, The Lares Institute, February 2012.
- New York Times Article on Cyber-Terror Highlights Risks and Opportunities for Businesses, The Lares Institute, February 2012.
- NIST Issues Privacy and Security Guidelines for Cloud Computing, Privacy & Security Source, January 2012.
- Questions Remain After European Commission Releases Much Anticipated Data Protection Regulation, Corporate Compliance Insights, January 2012.
- EU Article 29 Working Party's Complaints About the EASA/IAB Code, Corporate Compliance Insights, December 2011.
- EU Offers New Challenges to U.S. Companies Regarding Data Privacy Compliance, Corporate Compliance Insights, November 2011.
- EU Offers New Data Compliance Challenges to U.S. Companies, Corporate Compliance Insights, November 21, 2011.
- FTC Announces Settlement With Facebook—Imposes New Express Consent Requirements for Certain Sharing of Information, Privacy & Security Source, November 2011.
- EU Court Rules ISPs Have no Content Filtering Obligations, Privacy & Security Source, November 2011.
- Northern District Dismisses ECPA and Breach of Contract Claims for Data Transfer, Privacy & Security Source, November 2011.
- EU Offers New Challenges to U.S. Companies, Privacy & Security Source, November 2011.
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- Understanding Safe Harbor Compliance, January 2012.
- “Understanding Emerging International Privacy Issues”, November 7, 2011.
- An FTC Consent Decree: What It is, and What You Can Learn From the FTC’s Requirements, The Lares Institute Emerging Technology Conference, October 2011.
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- “Loss, Harm and Damages: Understanding Risk with IP and PII”, May 2011.
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- “Emerging Trends in Privacy”, April 2010.
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- “Emerging Issues in Cloud Computing”, Compuware, September 17, 2009.
- “Electronic Health Records”, The State Bar of California Annual Meeting, Presenter, September 11, 2009.
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- “Avoiding a Security Breach: Protect Your Data, Reduce Your Risk”, Presenter, Foley & Lardner LLP Webinar Program, May 19, 2009.
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- “Emerging Privacy Risks: Avoiding Litigation & Compliance Concerns”, Presenter, May 2009.
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- “Ethics of Information Gathering”, Presenter, March 24, 2009.
- “Recent Trends in FTC Enforcement”, Presenter, IAPP Summit 2009, March 11, 2009.
- “Protecting Trade Secrets”, March 2009.
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- “Reading People”, Presenter, Pincus Communications, December 10, 2008.
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- “Information Security and Data Privacy Summit”, Co-Chair and Presenter, on Hottest Issues in Behavioral Advertising and FTC Enforcement, Social Networking, Red Flags and How Six Sigma Can Help Your Company Comply, and Moderator for the CPO Roundtable, Thomson-West, November 15, 2008.
- “Electronic Monitoring of Employee Communications”, Presenter, September 29, 2008.
- “Health Care Friday Focus Web Conference on Red Flags”, Moderator, September 26, 2008.
- “Privacy Implications of Gene Mapping and Personalized Health: an overview of regulations and the harms they seek to prevent”, Presenter, IAPP, September 24, 2008.
- “Spy Game: Issues in Data Privacy and Security”, Moderator, Hispanic National Bar Association, September 4, 2008.

- “Developing a Data Security Plan”, Presenter, Federal Trade Commission Seminar, August 13, 2008.
- “Privacy and Information Security: Managing the Details”, Co-Presenter with Joel Winston, Thomson-West, June 24, 2008.
- “Electronic Monitoring and *Quon v. Arch Wireless*”, Presenter, July 15, 2008.
- “Employee Privacy After *Quon v. Arch Wireless*”, Presenter, Cyberspace Law Committee of the State Bar of California, July 9, 2008.
- “Privacy, Security and Confidentiality: What’s Next?”, Presenter, Thomson-West, June 24, 2008.
- “Hottest Issues in Privacy and Information Security”, Presenter, Western Benefits Conf., June 18, 2008.
- “Hottest Issues in Privacy and Security for Broker-Dealers—Regulation S-P and Beyond”, National Association of Independent Broker Dealers, May 14, 2008.
- “What General Counsel Need to Know About Information Security and Privacy”, Presenter, April 28, 2008.
- “Hottest Issues in Privacy and Information Security”, San Diego County Bar Association, April 15, 2008.
- “ALI-ABA’s Privacy Law: Developments, Planning, and Litigation”, Moderator and presenter on the litigation panel, March 13, 2008.
- “Information Security & Data Privacy”, Presenter, February, 2008.
- “Data Privacy and Security: Best Practices for Franchisors and Manufacturers”, Presenter, 2008 DISTRIBUTION & FRANCHISE LAW UPDATE: DRIVE YOUR BUSINESS FORWARD, January 24, 2008.
- “The Hottest Issues In Cyberspace”, presenter, The State Bar of California, January 18, 2008.
- “Technology & the Law”, Presenter, ACCA’s Fourth Annual In-house Counsel Conference, January 10, 2008.
- “Employee Monitoring in the Information Age”, Presenter, Pincus Professional Education, December 13, 2007.
- “Hot Issues in Privacy and Security”, Presenter, San Diego County Bar Association, December 11, 2007.
- “Information Security & Privacy—Interoperability and Medical Privacy” Moderator and Presenter, Thomson-West, December 6, 2007.
- “Information, Security and Privacy: New Rules...New Obligations...New Exposures”, Chair and Presenter, 2007 Business Litigation Conference, December 3, 2007.
- “Help! I Lost My Laptop (And All My Confidential Corporate Files)”, Presenter, Ziff-Davis, November 28, 2007.
- “Information Security and Data Privacy Summit”, Co-Chair and Presenter, Thomson-West, November 15, 2007.
- “The Rutter Group Information Security and Privacy”, Moderator and Presenter, November 12, 2007.
- “Hot Topics & Critical Issues – Information Security and Privacy”, ACCA-SoCal Roundtable, October 31, 2007.
- “Pretexting and Other Late-Breaking Developments Regarding Data Privacy”, Presenter, September 11, 2007.

- “Future of Health Care Information Interoperability: Sharing between Providers and Client Involvement”, International Association of Privacy Professionals, August 21, 2007.
- “Data Protection eRoundtable”, Ethisphere Council eRoundtable, August 7, 2007.
- “Pretexting: Managing Privacy and Security in a Digital World”, Information Security Systems Association, July 19, 2007.
- “*Warshak* and Searches Under the ECPA”, West Legalworks, July 19, 2007.
- “The Changing Data Privacy Landscape - Web Conference Series for Corporate Counsel”, May 22, 2007.
- “What General Counsel Need to Know About Information Security and Privacy”, Presenter, ACC-MI State of the Law Update 2007, April 25, 2007.
- “International Privacy Issues and Outsourcing.”, Presenter, West Legalworks IT Outsourcing 2007, March 26, 2007.
- “Pretexting 360”, Presenter, International Association of Privacy Professionals Privacy Summit 2007, March 8, 2007.
- “Pretexting: Navigating the Legal Minefield of Investigations”, Presenter, West Legalworks, February 12, 2007.
- “Employee Monitoring, Pretexting and the Permissible Scope of Electronic Discovery”, Presenter, Pincus Professional Education, December 6, 2006.
- “Understanding Privacy and Security Litigation”, Presenter, American Corporate Counsel Association, November 16, 2006.
- Information Privacy and Data Security Summit 2006, Program Chair and presenter, *West Legalworks*, November 2, 2006. Presentations by Mr. Serwin included: Pretexting and Data Broker Issues/Wire Monitoring; Spyware; Internet privacy; The Changing Role of Representations in FTC Actions; and Security Breaches: Notice Statutes and Other Issues.
- “Privacy and Security Litigation”, Presenter, October 27, 2006.
- “SPYWARS: Spyware, Digital Rights Management and Privacy in the New Media Age” Moderator and presenter, CONVERGENCE – NOW: New Media, Entertainment Technology & the Law, October 19, 2006.
- “What General Counsel Need to Know About Privacy Laws”, Chair and presenter, InsideCounsel, June 14, 2006.
- “Privacy and Security Litigation”, Moderator and presenter, American Lawyer Media General Counsel Conference, June 12, 2006.
- “Impact of New Media Technologies like iPod on Copyright Laws”, Presenter, International Technology Law Association, May 4, 2006.
- “Technology Tools, Tips and Web Sites To Facilitate Your Practice in California”, Presenter, Lorman Education Services, April 18, 2006.
- “The FTC’s New Privacy and Security Agenda”, Presenter, ABA Business Law Section Meeting, April 8, 2006.
- “Privacy and Security in the Electronic Age”, Presenter, April 5, 2006.
- “Data Privacy and Security Litigation”, Presenter, Todd Inn of Court, February 15, 2006.
- “Privacy and Security in the Electronic Age”, Presenter, January 23, 2006.
- “Understanding Privacy and Security Litigation”, Chair and presenter, 2005 Business Litigation Conference, December 5, 2005.
- “Privacy and Security in the Electronic Age”, Presenter, November 17, 2005.

- “Privacy and Security in the Electronic Age”, Chair and presenter, West Coast General Counsel Conference presented by American Lawyer Media, November 15, 2005.
- “Privacy Issues in the United States”, presenter, Confederation of German Industry & Trade, November 2, 2005.
- “What Every Lawyer Should Know About Privacy”, presenter, CEB, October 8, 2005.
- “Recent Developments in Internet Selling and Advertising”, presenter, Law Seminars International, October 6, 2005.
- “Privacy and Security in the New Millennium”, presenter, The Cyberspace Law Committee of the State Bar of California, September 9, 2005.
- “The Hottest Issues In Cyberspace”, moderator, The State Bar of California, September 9, 2005.
- “What Every Lawyer Should Know About Internet Privacy”, presenter, Sacramento County Bar Association Intellectual Property Law Section, August 18, 2005.
- “Securities Litigation Update”, Chair, The Daily Transcript Law and Business Seminar Series, June 14, 2005.
- “What General Counsel Need to Know About Internet Privacy Laws”, Chair and presenter, The Web Conference Series for Corporate Counsel, May 19, 2005.
- “What Every Lawyer Should Know About Internet Privacy”, presenter, April 19, 2005.
- “Formation, Cancellation and Modification of Electronic Agreements”, presenter, ABA Section of Business Law Spring Meeting, April 1, 2005.
- “A Computer Crime Conference – Criminal and Civil Crimes Involving Information and Information Systems”, presenter, FBI / InfraGard Los Angeles Members Alliance, March 23, 2005.
- “Privacy and Security Issues in ERP”, presenter, “ERP Best Practices – Managing Enterprise Risk”, CIO ThinkTank Series, February 19, 2005.
- “The Hottest Issues In Cyberspace”, Chair and presenter, The State Bar of California, January 29, 2005.
- “Protecting Your Assets: Business Secrets, Intellectual Property, Privacy, and Public Records, in Charter Schools”, Chair and presenter, California Charter School Association, January 26, 2005.
- “Advertising Law in California”, presenter, Lorman Education Services, January 21, 2005.
- “Untangling the Web: E-Business, Marketing & More”, chair and presenter, The Daily Transcript Seminar Series, November 16, 2004.
- “State Privacy Implications for Your Website”, presenter, California County Counsels’ Association Fall Health and Welfare Study Section Conference, November 4, 2004.
- “What Every Lawyer Should Know About Spam”, presenter, July 13, 2004.
- “California Insurance Law Update,” June 9, 2004.
- “FINDLAW: Direct Marketing in 2004”, presenter, May 20, 2004.
- “Intellectual Property Issues on Your Website”, presenter, California Charter Schools Conference, March 30, 2004.
- “Hottest Issues in Cyberspace”, chair and presenter, the State Bar of California, January 23, 2004.
- “Cybercrime Reporting Challenges & Issues”, presenter, San Diego Supercomputer Center January 13, 2004.

- “Handling Expert Valuation Issues”, Instructor, NACVA Forensic Institute, December 4, 2003.
- “Complying with California’s Fair Claims Practice Act”, presenter, June 17, 2002.
- “Avoiding Pitfalls in the New Economy”, presenter, April 16, 2002.
- “California Insurance Law Update”, presenter, September 7, 2001.
- “Intellectual Property and Privacy Issues Faced by Web sites”, presenter, Health and Welfare Section of the California County Counsel's Association, November 9, 2001.
- “E-Commerce Laws and Practices That Concern Your Business”, Both Sides of the Dot Seminar, presenter, August 29 & 30, 2000.