



Mary J. Hildebrand CIPP/US/E

Partner
Founder and Chair, Privacy & Cybersecurity

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For more than 30 years, Mary has drawn on her deep experience in privacy and data security, tech, and intellectual property to handle sophisticated technology deals from concept to conclusion.

Mary regularly serves as lead counsel to both public and private companies in complex commercial matters involving:

- Digital and social media
- Software
- Clean tech
- Renewable energy
- Public utilities
- Financial services
- Medical devices
- Entertainment
- E-commerce
- Transportation
- Universities
- Not-for-profit organizations

Additionally, she counsels startups on the transactions and foundational legal structures needed to launch their businesses.

As a leading intellectual property lawyer, Mary has achieved an enviable track record in commercializing, protecting, and managing intellectual property, technology, and database assets around the world. She is also a recognized authority on EU and U.S. data privacy and information security laws.

A highly regarded "top-notch," "hugely responsive," and "skilled, bright and knowledgeable" practitioner, Mary has been consistently recognized by Chambers USA (2009-2019) for her successful handling of complex transactions involving significant IP assets. Her clients commend her as "a phenomenal client manager" who gives "useful, pragmatic, practical advice."

Mary has served as a member of Lowenstein Sandler's board of directors and Strategic Planning Committee, as well as chair of the firm's Diversity and Inclusion Committee.

HONORS & AWARDS

- > **Chambers USA: America's Leading Lawyers for Business: (2009-2019)**
Recognized for work in Intellectual Property
- > **The Best Lawyers in America (2019-2020)**
Recognized in the Corporate, Privacy & Data, and IT Outsourcing Law sections.

NEWS & INSIGHTS

Publications

- > October 16, 2019
"California Attorney General Releases Draft Regulations Under the California Consumer Privacy Act: New Concepts, New Questions, and Few Clarifications," *Privacy & Cybersecurity Client Alert*

Mary J. Hildebrand CIPP/US/E, Matt Savare, Edgar R. Hidalgo CIPP/US, Manali Joglekar CIPP/US/E, Diane Moss, Carly S. Penner CIPP/US

> September 19, 2019

"California Lawmakers Finalize the California Consumer Privacy Act ... at Least for Now," *Privacy & Cybersecurity Client Alert*

Mary J. Hildebrand CIPP/US/E, Edgar R. Hidalgo CIPP/US, Diane Moss, Carly S. Penner CIPP/US

> July 1, 2019

"The Dashboard Act's Innovative Approach To Data Protection," *Law360*

Mary J. Hildebrand CIPP/US/E

> June 20, 2019

"New York on Verge of Passing Landmark Data Security Legislation," *Privacy & Cybersecurity Client Alert*

Mary J. Hildebrand CIPP/US/E, Kathleen A. McGee

> March 12, 2019

"2018/2019 Developments and Compliance Checklists," *Investment Management Client Alert*

Scott H. Moss, Andrew E. Graw, Mary J. Hildebrand CIPP/US/E, Brian A. Silikovitz, Lesley P. Adamo, George Danenhauer, Megan Monson,

> October 17, 2018

"The Impact of GDPR and Evolving U.S. Laws," *LinkedIn*

Mary J. Hildebrand CIPP/US/E

> February 7, 2018

"Year-End Developments and Compliance Checklists," *Investment Management Client Alert*

Scott H. Moss, Andrew E. Graw, Mary J. Hildebrand CIPP/US/E, Brian A. Silikovitz, George Danenhauer, Megan Monson

> May 22, 2017

"Top Cyber-Risk Issues -- Takeaways from the National Center of Cybersecurity Excellence Speaker Series," *LinkedIn*

Mary J. Hildebrand CIPP/US/E

> February 28, 2017

"Countdown to GDPR – What's the Word on WP29's Recent Guidance?," *LinkedIn*

Mary J. Hildebrand CIPP/US/E

> January 23, 2017

"Is Cybersecurity at the Top of Your List for 2017? If So, You're on the Right Track," *LinkedIn*

Mary J. Hildebrand CIPP/US/E

> December 16, 2016

"European Union - Article 29 Working Party Releases Guidance on Key Elements of GDPR," *Privacy and Information Security Client Alert*

Mary J. Hildebrand CIPP/US/E

> November 17, 2016

"Beyond HTML5 and Java: What Developers and Publishers Need to Know When Creating Mobile Health Apps," *Healthcare Business Today*

Mary J. Hildebrand CIPP/US/E, Matt Savare

> July 13, 2016

"US-EU Privacy Shield Adopted," *Privacy and Information Security Client Alert*

Mary J. Hildebrand CIPP/US/E

> June 29, 2016

"Brexit and EU Data Protection: Assessing the Impact for US Organizations," *Privacy and Information Security Client Alert*

Mary J. Hildebrand CIPP/US/E

> April 29, 2016

"EU Data Protection Update: Landmark General Data Protection Regulation Passes Final Hurdle and Regulators Weigh In on Privacy Shield," *Privacy and Information Security Client Alert*

Mary J. Hildebrand CIPP/US/E

> April 13, 2016

"Why Health Care Cos. Can Expect More HIPAA Probes," *Law360*

Mary J. Hildebrand CIPP/US/E

> April 11, 2016

"Beware the OCR," *Privacy and Information Security, Health Care Litigation, Investigations & Compliance, Life Sciences Client Alert*

Mary J. Hildebrand CIPP/US/E

> 1st Quarter 2016

"Social Media: The New Reality for Credit Professionals," *CRF News*

Bruce S. Nathan, Mary J. Hildebrand CIPP/US/E

- > March 3, 2016
"Proposed Privacy Shield Imposes Significant New Obligations on US Companies," *Privacy and Information Security Client Alert*
 Mary J. Hildebrand CIPP/US/E
- > December 21, 2015
"Landmark EU Data Protection Regulation Close to Becoming a Reality," *Privacy and Information Security Alert*
 Mary J. Hildebrand CIPP/US/E
- > October 31, 2015
"What Startups Need to Know About the Safe Harbor Ruling in Europe," *TechCrunch*
 Mary J. Hildebrand CIPP/US/E
- > October 19, 2015
"The Euro Court of Justice Safe Harbor Ruling Should Spur Careful Planning," *Corporate Counsel*
 Mary J. Hildebrand CIPP/US/E
- > September 11, 2015
"Privacy Rights, Free Speech, and The EU's Bid to Reach Beyond Its Borders," *Forbes*
 Mary J. Hildebrand CIPP/US/E

In the Media

- > January 9-14, 2020
 Lowenstein's representation of **PVH Corp.** [NYSE:PVH] in its definitive agreement to sell its Speedo North America business to Pentland Group for \$170 million in cash is highlighted in **Law360, Bloomberg Law, Retail Dive, Financial News,** and the **Global Legal Chronicle**. The Lowenstein deal team included **Marita A. Makinen, Andrew P. Erdmann, Doreen M. Edelman, Andrew E. Graw, Darren Goodman, Mary J. Hildebrand, Matt Savare, Michael Walutes, Jeffrey M. Shapiro, Jack Sidorov, Abbey E. Baker, Manali Joglekar, Justin Gindi, Sophia Mokotoff, Nicole Rae Morales, Bryan Sterba,** and **Vikram Paul**. The PVH team included Mark Fischer, Jeffrey Hellman, and Meredith Felz (Legal), along with Dana Perlman and Lina Yoo (In-house Deal Makers). *(subscription required to access certain content)* **View Lowenstein's news announcement about this transaction.**
- > January 1, 2020
Mary J. Hildebrand contributes to **Law360's** roundup of 2020 predictions for privacy and cybersecurity law by thought leaders in the field. She says that recent data protection laws like California's Consumer Privacy Act and the EU's GDPR, where "companies' ability to use and disclose data is ... determined by the nature of the rights granted to them by the user or owner of the data," contribute to the growing trend of viewing data as a "separate asset class with a new and rapidly emerging legal framework around it." *(subscription required to access article)*
- > November 18-26, 2019
 Lowenstein's representation of **The Estée Lauder Companies Inc.** in its acquisition of the shares that the company does not already beneficially own in Have & Be Co. Ltd., the Seoul-based, global skin care company behind Dr. Jart+ and men's grooming brand Do The Right Thing, is noted in **Mergers & Acquisitions, Yahoo! Finance, Digital Commerce 360, PYMNTS.com,** the **Global Legal Chronicle, The Deal (article; deal listing), Law360, Business Wire, Bloomberg,** and **The Beauty Influencers**. Led by partner **Marita A. Makinen,** the Lowenstein deal team includes **Gina M. Seong, Darren Goodman, Doreen M. Edelman, Mary J. Hildebrand, Matt Savare, Michael Walutes, Jack Sidorov, Abbey E. Baker, Kate Basmagian, Manali Joglekar, Taryn E. Cannataro, Sophia Mokotoff, Carly S. Penner, Bryan Sterba,** and **Matthew Tippy**. *(subscription required to access article)* **View Lowenstein's news announcement about this transaction.**
- > November 12, 2019
Mary J. Hildebrand CIPP/US/E, partner and Chair of Lowenstein's **Privacy & Cybersecurity** group, comments in **TechRepublic** on the risk of ransomware to startup and midsize healthcare companies, observing that there is no "one-size-fits-all" solution. "For every organization that adamantly refuses to cooperate, there is another one that weighs the relative costs of non-compliance in terms of interrupted healthcare, costs, expenses and reputational risk, against the amount demanded, and decides to wire the funds," she says. In **a second TechRepublic article** on the subject, she addresses disclosure requirements under HIPAA when ePHI (electronically protected health information) is compromised. "OCR argues that ePHI was acquired during the encryption process, unless the covered entity that was attacked can prove otherwise," she says. "As any healthcare organization that has wrestled with this issue can tell you, this is a high bar to meet." Hildebrand recommends being prepared with a disaster recovery plan that "includes data back-ups, applications, infrastructure/cloud capacity, and appropriately skilled staff," and keeping messages to employees and patients "brief, factual, and timely."
- > November 9, 2019
 Lowenstein's representation of **W20,** the leading independent provider of analytics-driven, digital-first marketing communications to the health care sector, in the acquisition of Arcus Medica, a recognized leader in medical and scientific communications, highlighted in the **Global Legal Chronicle**. The Lowenstein deal team included **David L. Goret, Marita A. Makinen, Andrew P. Erdmann, Matthew Tippy, Eugene R. Cheval, Tracy F. Buffer, Michael Walutes, Sophia Mokotoff, Megan Monson, Matt Savare, Bryan Sterba, Mary J. Hildebrand, Manali Joglekar, Carly S. Penner, Amy Komoroski Wiwi,** and **James C. Shehan**. **View Lowenstein's news announcement about this transaction.**
- > September 20, 2019
Mary J. Hildebrand is featured in an article on **TVNewsCheck** spotlighting her presentation at the conference **Media Outlook 2020,** which expanded upon an article written by Hildebrand and **Carly S. Penner** for the Media Financial Management Association's magazine, **The Financial Manager**. Hildebrand explains how the United States differs from Europe and certain other countries in that it does not have a set of federal laws addressing privacy and cybersecurity generally and that federal laws here are industry-specific. Although the Federal Trade Commission is the de facto regulator of many online activities, including privacy and security standards, companies must now consider 50 different state data breach laws, plus Guam, Puerto Rico, and the Virgin Islands. California and Nevada have also adopted comprehensive data protection laws, and more states are considering similar legislation. **View Lowenstein's news announcement about this transaction.**
- > June 12, 2019

Mary J. Hildebrand, Chair of the **Privacy & Cybersecurity** group, is quoted in **Compliance Week** in an article on how state laws are filling in the federal privacy data void and why New York State's privacy legislation is important. She says it puts "more companies at issue since it includes far more companies under its jurisdiction. State law also allows private causes of action for violating the New York Privacy Act, although New York might make the individual litigant prove damages." Hildebrand adds that "[c]ompanies seeking to comply [with the New York Privacy Act] will be confronted by complexity and entirely new (and ill-defined) concepts such as 'data fiduciary' and 'privacy risk' ... [and that] in any merger or acquisition that involves the transfer of personal data associated with a New York state resident, affirmative consent to the transfer must be obtained from each New York resident before the transfer is permitted to occur."

> January 24, 2019

The PE Hub Network, The Deal, and Law360 (December 12, 2018; January 24, 2019) note Lowenstein Sandler as lead counsel to Cerberus Capital Management, L.P. in its acquisition of Sparton Corporation (NYSE: SPA). (Lowenstein deal team: **Marita A. Makinen, Robert G. Minion, Jeffrey Blumenfeld, Mary J. Hildebrand, Nicholas G. Mehler, Christine Osvald-Mruz, Matt Savare, Jeffrey M. Shapiro, James C. Shehan, Michael Walutes, Jack Sidorov, Norman W. Spindel, Stuart S. Yusem, Manali Joglekar, Sabrina Cua, Allison Gabala, Megan Monson, Alex H. Rosenthal, Bryan Sterba, Matthew Tippy, Lauren E. Killeen, and Lauren M. Troeller.**) (*subscription required to view certain content*) **View Lowenstein's news announcement about this transaction.**

> January 7, 2019

Lowenstein Sandler is noted as lead counsel to Vesey Street Capital Partners, LLC (VSCP) in their recapitalization of Elite Body Sculpture as published in **The PE Hub Network, Cision PR Newswire, and The Business Journals** (Lowenstein deal team: **Marc B. Kramer, Brooke A. Gillar, Steven E. Siesser, Lowell A. Citron, Michael Walutes, Lesley P. Adamo, Eileen Overbaugh, Elisia M. Klinka, Nicholas Gonski, Darren Goodman, Megan Monson, Eric Jesse, Alanna Sandoval, Jeffrey M. Shapiro, Jack Sidorov, Mark P. Kessler, Paul M. Krueger, Michael A. Buxbaum, Norman W. Spindel, Mary J. Hildebrand, Bryan Sterba, Manali Joglekar, and Stuart S. Yusem.**)

> May 28, 2018

The **Buffalo Law Journal** notes Lowenstein Sandler as counsel to a company discussing its General Data Protection Regulation (GDPR) compliance efforts. The article quotes **Mary J. Hildebrand**, who notes many companies' confusion as to whether and why GDPR applies to them. Hildebrand explains that GDPR has expanded the definition of personal data, that it applies depending on where data is processed (not just on where it "sits"), and that GDPR compliance obligations will involve careful judgment calls.

> July 10, 2017

Mary J. Hildebrand comments in **Law360** on the risks created by an expanded definition of personal data under the General Data Protection Regulation (GDPR).

> July 7, 2017

In **Bloomberg BNA**, **Mary J. Hildebrand** comments on enhanced compliance obligations imposed on data processors once the General Data Protection Regulation (GDPR) takes effect on May 25, 2018.

> July 3, 2017

Mary J. Hildebrand comments in **Law360** regarding the FTC's stance on collecting geolocation data from cellphones without explicit consent.

> April 1, 2017

Mary Hildebrand comments in **POLITICO Pro** on the U.S. government's political stance regarding the EU-U.S. Privacy Shield pact.

> March 27, 2017

Mary Hildebrand is quoted in **LegalTech News** on the UK's data protection authority's enforcement of cybersecurity standards.

> October 27, 2016

Mary Hildebrand comments in **POLITICO Pro's Europe Brief** on the first legal challenge against the EU Privacy Shield data transfer agreement.

> October 5, 2016

Mary Hildebrand is quoted in **The Cybersecurity Law Report** on the importance of proper cyber due diligence and how companies can mitigate cyber risks.

> September 20, 2016

Mary Hildebrand comments in an **SC Magazine** article on a decision by the U.S. Sixth Circuit Court of Appeals granting victims of the Nationwide Insurance data breach standing to sue.

> September 7, 2016

Mary Hildebrand comments in **The Wall Street Journal** on a decision by the Ninth Circuit Court of Appeals in **AT&T Mobility v. Federal Trade Commission**, which held that the FTC does not have jurisdiction over common carriers, clouding privacy regulations for telecommunications, cable, and internet companies.

> September 1, 2016

Mary Hildebrand comments in **SC Magazine** on adoption rates for the Privacy Shield among companies that transfer data from the EU to the U.S.

> July 26, 2016

Mary Hildebrand gets the last word in a **Law360** article on the Privacy Shield and what U.S. companies can expect over time.

> July 14, 2016

Mary Hildebrand is quoted in **The Wall Street Journal** regarding the European Union's decision to adopt the Privacy Shield agreement.

> July 5, 2016

Mary Hildebrand has been recognized as a power player and one of the top 10 women in the IT security space by **SC Magazine** for her thought leadership on privacy and IT security. She shares this honor with top female executives from Microsoft, Google, Uber, and other cutting-edge tech companies.

> June 17, 2016

Mary Hildebrand comments in **Bloomberg BNA** on guidance companies need on fines imposed by the new EU privacy law.

- > June 6, 2016
Mary Hildebrand is quoted in **The Wall Street Journal** on how data localization services enabling the transfer of data stored in Europe to a U.S. server may not be a viable option.
- > April 28, 2016
Mary Hildebrand comments in *Bloomberg BNA* on the GDPR's high-risk processing requirements and the challenges they pose for U.S. companies.
- > April 13, 2016
Mary Hildebrand is quoted in an **Investor's Business Daily** article that discusses the legal limbo facing tech giants like Amazon, Facebook, and Google resulting from ongoing deliberations regarding the proposed EU-U.S. Privacy Shield.
- > April 11, 2016
Mary Hildebrand comments in *Bloomberg BNA* on possible outcomes should the Article 29 Working Party issue a negative opinion on the EU-U.S. Privacy Shield arrangement.
- > April 11, 2016
Mary Hildebrand comments in **SC Magazine** on a leaked excerpt from the Article 29 Working Party Opinion on the EU Privacy Shield, the content of which points to further delays in the finalization of the agreement.
- > April 11, 2016
Mary Hildebrand comments in **The Wall Street Journal** regarding the Article 29 Working Party assessment of privacy protections in the Privacy Shield agreement.
- > March 10, 2016
Mary Hildebrand comments in **The Wall Street Journal** on the regulatory and compliance requirements companies will have to manage under the new Privacy Shield.
- > February 12, 2016
Mary Hildebrand is quoted in **The Wall Street Journal** and **Law360** on the issues companies face in light of the new Privacy Shield announced by EU and U.S. authorities.
- > February 1, 2016
Mary Hildebrand comments in **USA Today** on new data privacy protections proposed by the European Union and their effect on transatlantic business.
- > December 8, 2015
Mary Hildebrand is quoted in **The Wall Street Journal** on the alternatives companies are using in place of Safe Harbor, while the European Court of Justice negotiates a new agreement.
- > October 8, 2015
Mary Hildebrand provides insight in a *Corporate Secretary* article on how U.S. companies must rethink compliance with EU data privacy laws.
- > October 6, 2015
Mary Hildebrand comments in **CIO Magazine** regarding the Court of Justice of the European Union's ruling declaring the Safe Harbor agreement invalid and how this could result in the loss of uniformity for privacy investigations throughout many European countries.

SPEAKING ENGAGEMENTS

- > Panelist, **Eagle Alpha's Data Strategy - Legal Webinar on Personally Identifiable Information, CCPA and Alternative Data**, Lowenstein Sandler and Eagle Alpha, Webinar, October 21, 2019
- > Speaker, **Lowenstein Sandler and ACC New Jersey's 5th Annual Cyber Day**, Lowenstein Sandler; ACC New Jersey, Roseland, NJ, October 3, 2019
- > Moderator, **IoT and the Cybersecurity Landscape**, Corporate Counsel (ALM Media), New York, NY, September 26, 2019
- > Presenter, **Media Outlook 2020**, Media Financial Management Association (MFM), New York, NY, September 12, 2019
- > Speaker, **Privacy and Cyber Security Breakfast Roundtable: Assessing the Impact of New and Amended State and Federal Laws**, Duff & Phelps, New York, NY, June 26, 2019
- > Panelist, **Case Closed: Cell Phone Privacy in the Modern World**, Rutgers Law School, Newark, NJ, November 8, 2018
- > Speaker, **Lowenstein Sandler and ACC New Jersey's 4th Annual Cyber Day**, Lowenstein Sandler; ACC New Jersey, Roseland, New Jersey, October 10, 2018
- > Moderator, **Women, Influence & Power in Law: The Original Global Forum Facilitating Women-to-Women Exchange on Leadership and Legal Issues**, Corporate Counsel, Washington, DC, October 4-5, 2018
- > Speaker, **The Global Challenges of Cybersecurity and Digital Terrorism**, World Services Group Annual Conference, Nassau, Bahamas, September 20, 2018
- > Speaker, **A Global Perspective: What You Need to Know About New U.S. Federal & State Data Protection Laws & How They Align With GDPR**, Association of Corporate Counsel (ACC), September 11, 2018
- > Panelist, **Financial Services and GDPR: The Next 60 Days ...**, BrightTALK, August 14, 2018
- > Speaker, **Navigating a Post-GDPR Business Landscape: What You Need to Know**, Lowenstein Sandler, Roseland, New Jersey, August 1, 2018
- > Speaker, **Select Topics for Asset Managers – Privacy, Advertising and Enforcement**, New York, NY, May 22, 2018
- > **The Deep, Dark Web: What is it – and how does it impact your business?**, CLE Presentation, February 13, 2018

- > Moderator, **Blockchain Technology, Smart Contracts, and Cryptocurrency CLE Panel**, Roseland, NJ, October 3, 2017
- > **Cyber Day**, Roseland, NJ, September 27, 2017
- > **EU General Data Protection Regulation (GDPR) Implementation Update Series**, Roseland, NJ, February 1, 2017
- > **EU General Data Protection Regulation (GDPR) Mini Series**, Roseland, NJ, October 6, 2016
- > **Seton Hall Law Review Symposium**, Newark, NJ, September 29, 2016
- > **Insurance Issues in Commercial Contracts**, Webinar, September 21, 2016

EDUCATION

- > Duke University School of Law (J.D. 1984)
- > Union College of Union University (B.A. 1980), magna cum laude

ADMISSIONS

- > New Jersey