

# CONTRACTING WITH THIRD-PARTY VENDORS

TOP RISK AND PRIVACY LAW CONSIDERATIONS

PRESENTED BY:  
DAVID CURTIS AND HANNAH LEVIN

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## Agenda

- Overview
- Key Contract Considerations
- Regulatory Compliance
- Risk Shifting



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# OVERVIEW



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## Privacy Law is a **Patchwork Hydra**

- **Jurisdiction-Specific Requirements**

- General Data Protection Regulation (GDPR)
- Federal and state UDAP restrictions
- State-specific requirements in California (CCPA), Virginia, Colorado, Connecticut; upcoming laws in **TEXAS** (effective 7/1/24) and other states
- Many more laws currently under consideration



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# Bring Out Your Inner Hercules

- **Sector-Specific Requirements**
  - Heightened protections for particularly sensitive data (e.g. health data, student data, **\*\*children's data\*\***)
- **Industry Best Practices and Self-Regulatory Frameworks**
  - Example: Payment Card Industry Data Security Standard (PCI-DSS)

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# What is Personal Data?

- Laws are **blurring the line** between what is personal vs. non-personal data.
  - **California Consumer Privacy Act (CCPA)**: information that identifies, relates to, describes, is reasonably capable of being associated with, **or could reasonably be linked, directly or indirectly**, with a particular individual or household.

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## Title search: Contracting with Third-Party Vendors: Top Risk and Privacy Law Considerations

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