



**Carol A. F. Umhoefer**

**Partner**

**CO-CHAIR, EMEA DATA PROTECTION, PRIVACY AND SECURITY GROUP  
FOREIGN LEGAL CONSULTANT, NOT ADMITTED TO PRACTICE LAW IN  
FLORIDA  
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Carol Umhoefer's practice encompasses information technology, e-commerce and commercial matters as well as related regulatory compliance issues, with a particular focus on all aspects of data and IT regulations, including data protection, privacy, cyber security, document retention and encryption. She advises companies across a broad range of sectors, including financial services, professional services, online and traditional retail, pharmaceutical and medical devices, and technology providers.

Carol has extensive experience advising on multi-national privacy assessments and compliance programs, with a particular focus on GDPR requirements, as well as conducting privacy impact assessments on a variety of technology solutions. She also advises on global and regional whistleblowing hotline and e-discovery projects.

Carol regularly assists clients in regulatory compliance and investigations, in particular with respect to consumer protection issues, pharmaceuticals and medical devices.

**LANGUAGES SPOKEN**

- English
- French

- Intellectual Property and Technology
- Finance
- International Trade
- International Trade, Regulatory and Government Affairs
- Investigations

- Financial Services
- Life Sciences
- Consumer Goods, Food and Retail
- Insurance
- Technology

English French

Certified as a Foreign Legal Consultant by the Florida Supreme Court

**Admissions**

- New York
- Paris

## Recognitions

- The Best Lawyers in France has repeatedly recognized Carol for her practice in Information Technology Law and Privacy and Data Security Law.
- Carol has been recognized by The Legal 500 United States in every year since 2017; in 2020, that publication recognized her as a "Leading Lawyer" in Cyber Law. Sources told The Legal 500 that she "is an expert in her field and is a pleasure to work with. She is extremely responsive and attentive. Despite her robust work schedule, she always makes you feel like you are her top priority. She is careful, attentive to detail, excellent at issue spotting and problem solving and provides commercial minded legal feedback that takes into account the risks and realities of the facts at hand." Another source added that Carol "is top notch."
- In 2017, Carol was selected as the sole Client Choice Award recipient for Information Technology in the New York market.
- Chambers Europe 2016 recognized Carol for her practice in Information Technology & Data Protection, quoting a client who said, "No matter what the issue is, she always has a good grasp of the overall landscape."
- In 2014, Chambers & Partners noted: "Carol Umhoefer heads the Paris IP and technology practice. Her considerable experience includes licensing, transfer agreements and data protection work. Clients say: 'She's creative, comes up with proposals on how to achieve objectives and can balance and manage the risks.'"
- In 2013, Chambers & Partners said: "Carol Umhoefer is recognised for her IT expertise. She has a particular strength in dealing with data protection work."
- In 2012, Chambers & Partners said: "IT partner Carol Umhoefer is the firm's resident data privacy expert. She is 'practical, succinct and straightforward.'"

## Education

- University of Wisconsin B.A. Phi Beta Kappa, 1988
- Harvard Law School, J.D. *cum laude*, 1992

## Memberships

- International Association of Privacy Professionals

## INSIGHTS

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### Publications

#### **EDPB's final Recommendations on Supplementary Measures confirm a subjective approach to assessing personal data transfer risks**

2 July 2021

The Recommendations' detailed guidance will be useful to businesses and privacy practitioners as they conduct or update their transfer assessments, but the scope and detail of those assessments will require a sustained effort.

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#### **European Commission's standard contractual clauses: extensive new requirements coming for US businesses receiving EU personal data subject to GDPR**

8 June 2021

Adopting and complying with the New SCCs may require considerable effort for importers, particularly those that are not otherwise directly subject to GDPR.

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## Out with the old, in with the new: Five members join California Privacy Protection Agency board; California AG Xavier Becerra moves to HHS

22 March 2021

Recent days have seen significant changes in the lineup of officials responsible for important privacy rights oversight in California.

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## *Schrems II*: The next chapter – EDPB issues recommendations on supplementary measures for transfers of personal data to the US, European essential guarantees for surveillance measures

13 November 2020

The measures could have significant impacts on international data transfers, particularly those between Europe and the US, which drive over a trillion dollars in trade every year.

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## *Schrems II*: Now what? New FAQs from EU data protection supervisors provide guidance on data transfers

28 July 2020

Organizations relying on Privacy Shield for transfers to the US of personal data subject to GDPR must immediately implement an alternative mechanism or cease transfers.

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## EU's highest court invalidates the EU-US Privacy Shield; European Standard Contractual Clauses remain valid, but subject to conditions

16 July 2020

The CJEU declared invalid the EU-US Privacy Shield framework for the transfer of personal data from the EU to the US.

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## Adapting to a new consumer market

15 April 2020

As consumer-facing businesses consider changes in their business models, avoiding legal pitfalls in some key areas is necessary for a successful transition.

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- Author, "CCPA and GDPR: Getting to the finish line," *LegiTech*, June 2020
- Co-author, "Are You Subject to E.U. Personal Data Regulations?," *NAPBS Journal*, July-August, 2016
- Co-author, "EU: new obligations for digital services providers and operators of essential services," *Intellectual Property and Technology News*, 28 June 2016
- Co-author, "Recent French developments raise the heat on encryption," *Cyber Security Law & Practice*, June 2016
- Co-author, "French Data Protection Authority Orders Fine of 100,000 Euros Against Google Inc. for Violation of Right to Be Forgotten," *Privacy and Security Law Report*, 2 May 2016
- Author, "Retailer trends: In-store big data analytics," *Law à la Mode Issue 19*, 21 April 2016
- Co-author, "The WP29's updated Opinion following the Costeja ruling," *E-Commerce Law and Policy*, March 2016

- Co-author, "Wearable technologies, Watch out for fashion's new market opportunities and challenges," *Law à la Mode*, May-June 2015
- Co-author, "La construction controversée du droit à l'oubli," *Option Droit & Affaires*, 1 April 2015
- Author, "Retailers need to prepare for the new EU Data Protection Regulation," *Law à la Mode*, February 2, 2015
- "Motorola v. Uzan: What happens when non-US statutes block US court discovery served on US branches?," 21 January 2015
- Author, "How EU Data Protection Laws Impact Cross-Border FCPA Investigations," *Global Anti-Corruption Perspective*, 24 September 2014
- Co-author, "EU law on cookies," Intellectual Property Update, 10 September 2014
- Co-author, "France: CNIL to Begin Cookies Enforcement in October," *Data Protection, Privacy and Security Alert (US)*, 3 September 2014
- Co-author, "France's Data Protection Authority unveils its inspection targets for 2014," *Data Protection, Privacy and Security Alert (US)*, 15 May 2014
- Author, "CNIL's new rules on whistleblowing simplify hotline implementation in France," *Data Protection, Privacy and Security Alert (US)*, 14 February 2014
- Co-author, "Data Protection Laws of the World Handbook: Third Edition," *Data Protection Alert (EMEA)*, 28 January 2014

## Events

### Previous

#### The privacy and security law landscape series

July 2021  
The privacy and security law landscape series  
Webinar

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#### EDPB, SCCs and Brexit: The future of global data transfers

8 July 2021  
Webinar

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#### New EU Standard Contractual Clauses (SCC's)

21 June 2021  
Webinar

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#### Global return to work in the media industry

11 June 2020  
Webinar

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#### Global return-to-work issues for employers

13 May 2020 | 10:00 – 11:30 ET  
Webinar

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- Speaker, "GDPR – Latest Developments," AIPLA, December 2, 2020
  - Speaker, "Transatlantic data protection law – a US perspective," INFOTECH, Austria, November 18 2020
  - Speaker, "Navigating the changing seas of privacy laws (CCPA, GDPR and other data security and privacy laws)," Franchise Crew In-house Counsel Event, Atlanta, 15 January 2020
  - Speaker, "How data catalogs help you prepare for CCPA," sponsored by Data.World, 8 January 2020
  - Speaker, "GDPR Update," The Conference Board – HR M&A Council, Princeton, New Jersey, 4 October 2019
  - Speaker, "Cyber-Security and Data Privacy in the IP World: What You Need to Know About the Intersection of Cyber-Security, Data Privacy and IP Law," AIPLA CLE Webinar, 30 July 2019
  - Speaker, "DLA Piper TechLaw Series - California Consumer Privacy Act," Chicago, 18 July 2019
  - Speaker, "HCP Marketing," DLA Piper's GDPR and Life Sciences Day, London, 3 June 2019
  - Speaker, "Are You GDPR Compliant? Understanding Its Requirements, Penalties, and Impact on the IP World," AIPLA Spring Meeting, Philadelphia, 16 May 2019
  - Panelist, "Consumer Privacy," TransUnion Insurance Summit, Chicago, 14 May 2019
  - Speaker, "Managing Data Privacy Compliance at the Crossroads of HIPAA, GDPR, and CCPA: Guidance for Attorneys on Managing Operational Issues," Blue Cross Blue Shield National Summit, Grapevine, Texas, 26 April 2019
  - Speaker, "The California Consumer Privacy Act and Its Impact on Healthcare Companies," DLA Piper webinar, April 25, 2019
  - Speaker, "Impacts of GDPR & Big Data," ALIS Law, Los Angeles, 28 January 2019
  - Speaker, "Operationalizing CCPA," DLA Piper webinar, 16 January 2019
  - Speaker, "California Consumer Privacy Act and GDPR – how do they differ?" DLA Piper webinar, 14 November 2018
  - Speaker, "National Association of Women Lawyers," 8 November 2018
  - Speaker, "What you need to know about GDPR: for recruiters and HR professionals," 26 January 2018
  - Speaker, "EU Data Privacy, Cybersecurity and their Impact on Reporting and Bribery Investigations: Strategic Insights for Cross-Border Transfers," 18th Annual New York Conference on Foreign Corrupt Practices Act, May 2016
  - Speaker, "The Digital Landscape in Europe: How Will a New Safe Harbor agreement and an Expansive New Privacy Law Shape Business Strategy?" The Association of General Counsel Spring Meeting, California, May 2016
  - Speaker, "Stay Ahead of Global Privacy Trends at this Essential Live Even," Bloomberg Law, Washington, DC, February 2016
  - Speaker, DLA Piper Tech Day, The Peninsula Hotel, Paris, December 2014
  - Speaker, "Innovation, "Data Security and Data Protection", Atos Stakeholder Day, Bezons, France, October 2014
  - Speaker, on the topics of fashion bloggers, e-commerce and wearable technologies, FashiOnline, Milan, January 2014
  - Speaker "Codes of Conduct for Global Companies in Global Markets", Compliance Week Europe, Brussels, October 2013