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## Damon W. Silver

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### Practices

Litigation  
Privacy, Data and  
Cybersecurity

### Services

California Consumer  
Privacy Act  
New York Metro  
Biometrics

### Industries

Real Estate  
Technology

### Education

New York University  
School of Law  
J.D., 2012

Duke University  
B.A., 2008

### Admitted to Practice

- 2nd Circuit Court of Appeals, 2016
- New Jersey - D. N.J., 2014
- New York - E.D. N.Y., 2014
- New York - S.D. N.Y., 2014
- New Jersey, 2012
- New York, 2013

Damon W. Silver is a principal in the New York City, New York, office of Jackson Lewis P.C. and a Certified Information Privacy Professional (CIPP/US).

### Privacy, Data and Cybersecurity

As a strategic advisor to local, regional, and national clients in various industries, Damon recognizes the demands of today's business climate and the ongoing threats that organizations face from cyberattacks and increased data privacy and security regulation. These threats, which include financial and reputational harm related to data breaches, regulatory investigations, and class-action litigation, have of course become all the more acute and complicated as a result of COVID-19.

Damon recognizes that needs vary from one client to the next. Large, mature organizations, for instance, may need assistance managing multi-jurisdictional and multi-faceted compliance obligations. Others may be in a stage of development where their greatest need is to triage what *must* be done now and what can more safely be left for later. Damon takes the time to understand each client's circumstances and priorities, and works with it to develop tailored approaches that balance risk prevention with business objectives and growth strategies.

One way in which Damon helps clients navigate the treacherous data privacy and security landscape is by leading complex projects to assess and mitigate their compliance risk under frameworks including: the California Consumer Privacy Act ("CCPA"), the New York SHIELD Act, New York State Education Law 2-d, the Health Insurance Portability and Accountability Act ("HIPAA"), the Family Education Rights and Privacy Act ("FERPA"), and the EU's General Data Protection Regulation ("GDPR").

Damon has also led investigations of and responses to dozens of data breaches, and has successfully navigated the resolution of numerous investigations by government agencies like the Department of Health and Human Services and state attorneys general.

Additionally, clients routinely seek Damon's guidance on how best to manage the day-to-day data privacy and security risks that arise when they engage in activities like COVID-19 health screening and contact tracing; monitoring of employee or customer activity; utilizing biometric information – like fingerprints or facial scans – for security or timekeeping purposes, or in connection with product offerings; leveraging data-based tools and strategies to pursue advertising and marketing objectives; and managing requests for the production of sensitive information, such as in response to a subpoena or government agency investigation.

### Employment

Damon also has an active and multi-faceted employment practice. He regularly defends employers in federal, state, arbitral, and administrative proceedings against

discrimination and retaliation claims under Title VII, the Americans with Disabilities Act (“ADA”), the Age Discrimination in Employment Act (“ADEA”), the Family and Medical Leave Act (“FMLA”), and New York state and city laws; against wage and hour claims under the Fair Labor Standards Act (“FLSA”) and New York Labor Law; and against contractual and workplace tort claims.

In addition to his litigation work, Damon routinely partners with clients to navigate thorny employee relations issues, such as employee leave and accommodation requests, investigating internal complaints, and assessing risks related to discipline and termination decisions.

## **Professional Associations and Activities**

- New York State Bar Association
- International Association of Privacy Professionals

## **Speeches**

- “Workplace Privacy & Data Security: A Little Time and Money Now Can Save You a Lot of Money and Aggravation Later,” Jackson Lewis Third Avenue Breakfast Briefing (New York, NY, May 2019)
- “Data Security Compliance and Breach Prevention and Response,” Association of Innovative Dentistry Meeting (New York, NY, April 2019)
- “Making The Best Of A Bad Situation: Breach Response,” NYSBA – Committee On Technology And The Legal Profession Webinar (New York, NY, December 2018)
- “A Little Money Now Can Save You A Lot Of Money And Aggravation Later: Breach Prevention,” NYSBA – Committee On Technology And The Legal Profession Webinar (New York, NY, November 2018)
- “Navigating The Patchwork: Complying With Your Legal Obligations To Safeguard Data,” NYSBA – Committee On Technology And The Legal Profession Webinar (New York, NY, October 2018)
- “Why It’s Critical To Proactively Safeguard Your Organization’s Data,” NYSBA – Committee On Technology And The Legal Profession Webinar (New York, NY, September 2018)
- “Data Security for HR Professionals,” SHRM Meeting (New York, NY, May 2018)
- “HIPAA Compliance and Breach Prevention,” American Association of Women Dentists Meeting (New York, NY, May 2017)