

EU-U.S. and Swiss-U.S. Privacy Shield Arbitrator

Peter J. Guffin

Pierce Atwood LLP

Current Employer-Title	Pierce Atwood LLP - Partner
Profession	Attorney and chair of the firm's Privacy & Data Security practice group. My practice is focused substantially on information privacy law and data security.
Work History	<p>Partner, Pierce Atwood LLP, 2000 – Present; Intellectual Property and Technology Counsel, Unum Group, 1994 – 2000; Litigation Counsel, Unum Group, 1986 – 1994; Associate, Stryker, Tams & Dill, 1983 – 1986; Associate, Chadbourne & Parke LLP, 1981 – 1983.</p> <p>Visiting Professor of Practice and Co-Director of the Information Privacy Law Program, University of Maine School of Law, 2016 – Present; Adjunct Professor, University of Maine School of Law, 2006 – 2016 (teaching copyright law, software licensing, information privacy law, data security and data breach notification law).</p>
Experience & Expertise in U.S. Privacy Law and EU Data Protection Law	<p>I regularly advise clients with respect to compliance with state, federal, and international laws and regulations relating to privacy and data protection, as well as with respect to data security incidents, ranging from internal investigations, incident response, breach notification obligations, communications with regulators, risk mitigation, and litigation strategies.</p> <p>My practice in the areas of information privacy law and data security includes the following:</p> <p>Preparation and review of privacy notices compliant with state and federal laws and regulations, and reflective of an organization's privacy practices, and privacy and security policy development, including development of information handling, sharing, storage, training, and security policies and programs; contract development, negotiation, and compliance, including review of vendor, purchase, procurement, or acquisition contracts as well as drafting and negotiation of contracts for inclusion of privacy and security provisions; privacy advice in compliance with state, federal and international laws and regulations; advice in connection with conducting Privacy Impact Assessments; risk assessment with regard to use and potential misuse of personally identifiable information, and corresponding legal advice to clients; advice regarding compliance with EU data protection laws, including the Data Privacy Directive and the GDPR; counseling with respect to the transfer of personal data from the EU to the U.S., including providing advice regarding compliance with the Safe Harbor and Privacy Shield frameworks; counseling on cybersecurity issues, breach preparedness, and breach remediation; judicial branch public policy engagement, developing recommendations and rules with respect to online public access to court records, balancing competing societal interests in protection of an individual's privacy rights and providing transparency of the judicial system; advice about cyber</p>

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insurance policies; internal breach investigation and evaluation, involving managing internal investigations of data breaches and evaluating risks for mitigation and policy development, as well as engaging and overseeing the work of forensic teams, preparing breach notification letters, and working with regulators; regulatory investigations and defense, including filings of responses to state and federal regulatory inquiries of privacy and data protection practices; and advice regarding privacy tort litigation such as litigation of consumer protection / privacy statutes that provide a private right of action (federal and state), including without limitation rights of publicity, rights against publication of false information, intrusion on seclusion, or public disclosure of private facts.

**Experience & Training
in Alternative Dispute
Resolution**

In my litigation practice over the years, I have had experience representing clients in mediations conducted in federal and state courts across the country.

Professional Licenses

Admitted to the Bar in Maine, Massachusetts, New Hampshire, and New York.

**Professional
Associations**

Co-chair, Northern New England KnowledgeNet, International Association of Privacy Professionals; Member, Section of Science and Technology Law Information Security Committee, American Bar Association.

Education

University of Pennsylvania Law School, J.D.; Rutgers College, B.A. (Henry Rutgers Scholar in Economics).

Languages

English

**Publications, Speeches
& Testimony**

Author, Chapter titled “The Electronic Communications Privacy Act” in *“Data Security and Privacy in Massachusetts*, book published by MCLE Press (2015) (2018 update forthcoming); co-author, *PLC Intellectual Property and Technology, State Q&A, Right of Publicity Laws; Maine* (last updated 2017); co-author, Foreword, 66 ME. L. REV. 369 (2014) (Maine Law Review Symposium, *Who’s Governing Privacy? Regulation and Protection in a Digital Era (2014)*); founder and author of the blog, Privacy Law Perspectives, www.privacylawperspectives.com.

Testimony

7. June 2018, Public Hearing, Maine Supreme Judicial Court, Online Access to State Court Records and the Concept of “Public” Information.

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