



David M. Stauss

PARTNER

DENVER, CO

PHONE: 303.892.4429

EMAIL: DAVID.STAUSS@HUSCHBLACKWELL.COM

OVERVIEW

David leads clients through complex privacy and cybersecurity matters, adapting to ever-changing laws to solve difficult client matters.

David helps clients understand and comply with the complex maze of existing and emerging state, federal, and international privacy and information security laws. David regularly counsels clients on the European Union's General Data Protection Regulation (GDPR), the California Consumer Privacy Act of 2018 (CCPA), the California Privacy Rights Act of 2020 (CPRA), the Colorado Privacy Act (CPA), the Connecticut Data Privacy Act (CTDPA), Utah Consumer Privacy Act (UCPA), and the Virginia Consumer Data Protection Act (VCDPA). He also assists clients in preparing for and responding to data security incidents, including managing multi-state breach notifications.

A recognized thought leader, David is a frequent author and speaker on privacy and cybersecurity. He was selected as JD Supra's top author in data privacy in 2022. He has been published and quoted in numerous publications, including the Wall Street

David Stauss...is knowledgeable of all—extremely knowledgeable on most of the privacy laws throughout the world, not just in the U.S., and his counsel has been greatly appreciated.

— Connecticut Senator James
Maroney

Industries

Manufacturing
Technology
Transportation

Services

Artificial Intelligence
California Consumer Privacy Act
Colorado Privacy Act Resource
Center
Commercial Litigation
Data Privacy & Cybersecurity
Education Privacy Law
EU Data Protection and Privacy
Litigation & Alternative Dispute
Resolution
Product Liability
Product Safety
State Privacy Laws

Journal, Bloomberg Law, The Hill, U.S. News & World Report, CBS News, Cybersecurity Law Report, Law360, Security Magazine, Data Guidance, the IAPP's Privacy Advisor, and Corporate Counsel. David is editor of the Byte Back blog – one of the leading law firm data privacy blogs in the U.S. He hosts the Data Privacy Unlocked podcast, which focuses on the development of U.S. privacy law.

David also has assisted lawmakers in drafting privacy and cybersecurity legislation. In 2018, he assisted in drafting Colorado's data breach and information security legislation, serving as the outside subject-matter expert for the Colorado Attorney General's office. In 2022 and 2023, he was a member of the work groups for the Connecticut Data Privacy Act and children's privacy law amendments, serving as an outside subject-matter expert for the bill's sponsors. In 2024, he was a member of the multi-state work group on artificial intelligence regulation.

David is designated as a Privacy Law Specialist (PLS) by the International Association of Privacy Professionals (IAPP). The PLS designation verifies that David has met the IAPP and American Bar Association's rigorous experience and knowledge requirements and distinguished himself as a leader in the privacy law industry. David also is certified as a Fellow of Information Privacy (FIP) by the IAPP, a designation signifying comprehensive knowledge of privacy and data protection laws. He also has been certified by the IAPP as a Certified Information Privacy Professional in the laws of the United States (CIPP/US), the laws of the European Union (CIPP/E), and as a Certified Information Privacy Technologist (CIPT).

Experience

PRIVACY AND CYBERSECURITY EXPERIENCE

- Represented client in data breach class action and secured favorable settlement.
- Performed GDPR compliance projects for numerous clients.
- Provided counsel to numerous clients regarding California Consumer Privacy Act compliance issues.
- Conducted internal due diligence review of multiple companies, analyzing all aspects of privacy and cybersecurity programs and compliance.
- Advised client in emergency response to cybersecurity incident involving unlawful access of third-party database by former employee, including advising client on performing privileged investigation, notifying law enforcement, retaining forensic investigator and filing data breach lawsuit against former employee.

Experience

- Assisted client in responding to allegation that client had been victim of email phishing scam resulting in vendor purportedly wiring funds to incorrect account.
- Represented global private equity firm in numerous privacy projects involving the investment of millions of dollars in tech start-ups. Representation included conducting extensive privacy compliance due diligence and negotiating contractual representations and warranties.
- Advised client in incident involving allegation that internal technology staff had improperly accessed employee emails.
- Regularly performed breach notification analyses for clients.
- Assisted university foundation with numerous privacy law compliance issues, including drafting its new data processing agreement with the university, assisting with FERPA compliance questions, responding to a data security incident, and conducting vendor due diligence.
- Provided a complete analysis of privacy law implications associated with the comingling of data from global consulting SaaS company's various clients to monetize that value. Specifically analyzed the impact of the California Consumer Privacy Act, California Privacy Rights Act, Colorado Privacy Act and Virginia Consumer Data Protection Act on the clients' various proposals, as well as the impact of Canadian federal privacy laws.
- Performed extensive review and revision of online privacy policies and terms of use in relation to numerous websites and apps for one of the top mortgage lenders in the United States. Also provided counsel on how to implement new terms of use to ensure proper enforceability as well as advice and counsel on avoiding session replay technology lawsuits. Also advised on Gramm-Leach-Bliley Act, California Consumer Privacy Act and California Privacy Rights Act compliance.
- Advised client on privacy law compliance issues arising out of its deployment of new tablet-based software in the United States, Canada, Europe and Asia. Work included counselling on product design, including data minimization and drafting a privacy policy.

Experience

- Counseled client pivoting from online business-to-business company to business-to-consumer company. Work included revising privacy policy, terms of use and terms of service, as well as providing advertising compliance advice in relation to marketing efforts, including CAN-SPAM compliance, and avoiding sessions replay technology lawsuits.

LITIGATION AND TRIAL EXPERIENCE

- Secured defense verdict in product liability certified class action.
- Represented multiple tire manufacturers in product liability matters.
- Defended major oil refinery in all Colorado matters involving product liability, landowner liability and personal injury claims.
- Represented product manufacturer in litigation involving allegedly defective hose.
- Represented Colorado company in shareholder dispute and litigation.
- Successfully defended product manufacturer in federal jury trial involving certified state class of homeowners.
- Secured favorable jury verdict for landowner in federal jury trial involving premises liability claim.
- Conducted trial in Delaware federal court concerning landowner liability.
- Represented mutual fund in jury trial held in Los Angeles County Superior Court concerning dissolution of joint venture partnership.
- Represented oil refinery as lead counsel in product liability trial in Denver County Court.
- Represented oil refinery in wrongful death action in Pennsylvania federal court.

Recognition

- *Chambers and Partners*
 - USA Nationwide, Privacy & Data Security: Privacy, 2024
 - USA Nationwide, Privacy & Data Security, 2023
- JD Supra Readers' Choice Awards, Top Author: Cybersecurity and Data Collection & Use, 2019; Cybersecurity, 2021; #1 Author: Data Privacy, 2022-2023; Data Privacy, 2024
- Thomson Reuters Stand-out Lawyer, 2023 and 2024
- *ColoradoBIZ* magazine, "Top 25 Most Influential Young Professional" 2018
- *The Legal 500*, Dispute Resolution – product liability, mass tort and class action: automotive/transport, 2016-2018

Education

- J.D., Rutgers Law School
 - with highest honors
 - Editor-in-Chief, *Rutgers Law Journal*
- B.A., American University
 - *cum laude*
 - Golden Key National Honor Society
 - Alpha Lambda Delta National Honor Society, president

Admissions

- Colorado
- New Jersey
- Pennsylvania
- U.S. District Court, District of Colorado
- U.S. District Court, District of New Jersey
- U.S. District Court, Eastern District of Pennsylvania

Clerkships

- Hon. James R. Zazzali, New Jersey Supreme Court



IAPP Privacy Law Specialist