

James A. Harvey

Senior Counsel

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Jim Harvey is senior counsel in the [Technology & Privacy Group](#) and formerly co-chaired Alston & Bird's [Privacy, Cyber & Data Strategy Team](#).

Jim's practice involves board-level and enterprise-wide strategic issues at the intersection of cybersecurity, privacy, global data rights and usage, and technology. Jim was one of the first lawyers to focus on the criticality of privacy and data management issues for global corporations. As a result, Jim established both the Privacy & Data Security task force and the Cybersecurity Preparedness & Response Team, well before other firms realized these issues faced their clients. Jim's experience includes not only handling some of the largest breaches on record but also includes everything from data-related regulatory actions and litigation, the intricacies of the AdTech ecosystem, preparing companies and their boards for cybersecurity risks, and leveraging and monetizing personal and corporate data around the globe. Jim is recognized as a "Client Service All-Star" in the *BTI Consulting Group's* annual survey of corporate counsel.

Representative Experience

Privacy and Data Security

- Represented one of the largest companies in the world in all aspects of acquiring and implementing an enterprise collaboration system with a footprint of more than 50 countries around the globe, including addressing GDPR, CCPA, and similar emerging multijurisdictional statutory and regulatory issues.
- Advised multiple boards of directors and c-suite executive teams on all aspects of cybersecurity preparedness and response and emerging data regimes, such as the GDPR, CCPA, NYDFS regulations, and emerging statutory and regulatory data regimes around the globe.
- Advised multiple participants in an online and offline data advertising ecosystem in all aspects of data collection, sharing, and use, including related U.S. and EU regulatory investigations.
- Represented one of the world's largest payments processors in a network intrusion affecting the data of individuals in more than 80 countries around the globe, including resulting regulatory investigations in eight countries.
- Represented multiple insurers in network intrusions, account takeovers, and related fraud attempts, including multiple state attorneys general investigations and insurance regulatory investigations.
- Represented one of the world's largest online job placement websites in a third-party criminal network intrusion, including all aspects of law enforcement interaction and management, regulatory compliance and notifications, insurance, and communications.
- Assisted several Fortune 200 companies in all aspects of CCPA analysis, design, and implementation.
- Represented a prominent trade group on CLOUD Act matters.

- Assisted one of the world's most prominent cybersecurity technology providers, one of the world's largest banks, one of the world's largest logistics companies, one of the world's largest technology services providers, and one of only eight SIFMUs (systemically important financial market utilities) in GDPR analysis and implementation, including all aspects of global data transfer issues, such as the Privacy Shield, model contracts, and binding corporate rules.
- Represented one of the world's largest payment processing companies in all phases of unauthorized intrusion into their network and all associated third-party actions and proceedings, including state attorneys general, Federal Trade Commission, federal financial services regulators, and multiple international financial services regulators and enforcement agencies.
- Represented several of the world's largest research-based manufacturers in all phases of advanced persistent threat attacks from nation-state threat actors targeting both intellectual property and other corporate and personal data.
- Represented two of the world's three largest retailers in all phases of data security and network intrusion incidents, including law enforcement, internal investigation, PCI and PFI investigations and card brand investigations, negotiations and remediation initiatives, and resulting litigation.
- Assisted an international retailer in a comprehensive overhaul of its privacy, security, PCI, and data management practices during both FTC and multiple state attorneys general investigations.
- Advised one of the world's largest interactive marketing providers in an international criminal network intrusion involving records of more than 60 million individuals worldwide.
- Advised a major retailer in a breach involving more than 1 million names and Social Security numbers in all 50 states.
- Assisting an offshore multinational bank and financial services entity on its data gathering, use, and transfer compliance program spanning three continents, including the EU.
- Assisting one of the world's largest private companies in design, development, and compliance initiatives for a consolidated database of employee information for more than 700 subsidiary companies in more than 20 countries.

Technology and Technology-Driven Services

- Represented one of the world's largest technology service providers in the renegotiation of its worldwide, comprehensively sourced infrastructure arrangement in a transaction valued at approximately \$2.5 billion.
- Represented one of the world's largest insurance and financial services concerns in the largest sourced transaction of its kind, valued at approximately \$3 billion.
- Represented one of the world's largest financial institutions in all phases of a cloud implementation in 37 countries, including privacy, security, regulatory, and transactional matters.
- Represented one of the world's largest insurance and financial services entities in worldwide cloud implementation valued at approximately \$500 million.
- Represented one of the world's largest insurance and financial services concerns in the establishment of a shared services organization, involving multiple comprehensive sourcing initiatives in HR, finance and accounting, applications development and maintenance, IT infrastructure, and claims processing.
- Represented a UK private equity investment group in the acquisition of a U.S.-based outsourcing provider in the health care space and subsequent move of substantially the entire service delivery infrastructure offshore.

- Represented one of the world's largest hybrid public-private banking concerns in the integration and license of a comprehensive enterprise resource planning system involving operations in at least 23 countries.
- Represented one of the world's largest money managers in the "transfer" portion of a build/operate/transfer transaction, addressing tax, benefits, intellectual property, and other issues arising from moving approximately 500 FTEs from a niche provider's facilities in a software technology park in India to a newly created special economic zone.
- Advised on a unique BPO transaction on behalf of a Fortune 200 insurer, sourcing novel and core aspects of regulated activities to an Indian service provider.
- Represented a state agency in its acquisition of development and fiscal agent services in a Medicare/Medicaid implementation processing approximately \$12 billion per year in health care related payments.
- Advised on multiple comprehensive and single-process HR transactions, including one transaction involving 43 client jurisdictions and two of the largest five HR transactions during 2009 and 2010.
- Advised on multiple applications development and maintenance and business process transactions, including finance and administration, transaction processing, procurement, and customer care transactions (onshore, offshore, and near-shore, including jurisdictions as diverse as Canada, Ireland, Ghana, Guatemala, India, the Philippines, Vietnam, China, Romania, and Poland).

Publications & Presentations

Publications

- "A CCPA Private Right of Action on the Horizon," *Cybersecurity Law & Strategy*, May 2020.
- "Calif. Privacy Law Could Alter Litigation Risks Nationwide," *Law360*, September 13, 2019.
- "6 Myths of Data Breach Response," *Law360*, August 2, 2016.
- "Insurers, Get Ready for Increased Cybersecurity Scrutiny," *Law360*, June 20, 2016.

Presentations

- "GDPR Enforcement Countdown," International Privacy + Security Forum 2018, Washington, D.C., February 26-27, 2018.

Professional & Community Engagement

- State Bar of Georgia, Technology Law Section (two-time chair)
- State Bar of Georgia, Intellectual Property Section
- Atlanta International School, Board of Trustees (former)
- Active participant in the Free Software Foundation's efforts to develop version 3.0 of the General Public License

Accolades

- Recognized as a "Client Service All-Star" in the *BTI Consulting Group's* annual survey of corporate counsel
- Named to "Top Rated Lawyers" and "Legal Leaders" by *The American Lawyer* for Intellectual Property
- Recognized for a number of years as one of America's leading lawyers in business process outsourcing by *Chambers USA*
- *Who's Who Legal - Information Technology* (2013–2017)

- Recognized as a “Lawyer of the Year” by *Best Lawyers*® (2014 and 2019)
- Recognized as one of Georgia’s “Super Lawyers” for a number of years
- Recognized by *Best Lawyers*® for Information Technology Law (Outsourcing) and Privacy and Data Security Law since 2008
- Selected as an “IP Star” by *Managing IP* (2013–2018)

Education

- The University of North Carolina (J.D., 1988)
- University of Arkansas (B.A., 1983)

Admitted to Practice

- Georgia

Related Services

Global Sourcing | Payment Systems | Financial Services & Insurance | Privacy, Cyber & Data Strategy | Alston & Bird Global Privacy and Security Network (ABPSN) | Technology | HIPAA/Health Information Privacy, Security & Breach Response | International | Connected & Autonomous Vehicles | National Security & Digital Crimes | Insurance | Blockchain & Digital Assets | Consumer Protection/FTC | Crisis & Data Breach Response | EU General Data Protection Regulation | California Privacy & the CCPA