

## Kathleen Benway

Partner

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Kathleen Benway concentrates her practice on government investigations and corporate compliance related to consumer protection issues, including privacy, security, advertising, and FinTech. She supports clients in policy and rulemaking proceedings tied to the California Consumer Privacy Act, Children’s Online Privacy Protection Act, and Gramm–Leach–Bliley Act’s Safeguards Rule.

Kathleen’s experience makes her uniquely positioned to represent clients before the Federal Trade Commission (FTC) and other government agencies. She has over 12 years of senior-level experience with the FTC, including chief of staff to three directors of the Bureau of Consumer Protection (BCP), senior advisor to a former FTC commissioner, and counsel to two BCP directors, providing legal and policy advice across a range of investigations and litigation, rulemaking, and other consumer protection matters. Kathleen led investigations and prosecuted privacy, data security, and unfair and deceptive business practice cases.

Kathleen served two details as counsel to the U.S. Senate Committee on Commerce, Science, and Transportation, staffing investigations and hearings and providing advice to senators, staff, and other stakeholders on proposed legislation and policy issues. She was assistant chief in the Federal Communications Commission’s Enforcement Bureau.

Kathleen has extensive experience in higher education. In addition to serving as a financial aid director at a college in Boston, she conducted Title IV compliance audits of post-secondary schools across the country for the U.S. Department of Education.

### *Representative Experience*

- Counseling financial publishing companies on advertising, marketing, and promotional efforts, including claims substantiation and internet marketing practices.
- Represented a worldwide flooring manufacturer in an FTC investigation of U.S. origins claims. The investigation was closed without findings.
- Represented one of the world’s largest data brokers in an FTC investigation of its obligations under the EU-U.S. Privacy Shield. Investigation was closed without findings.
- Representing an auto finance company in an investigation by the FTC into auto dealership lending practices.
- Representing a debt collection company in investigation of its consumer debt collection practices by the California Department of Financial Protection and Innovation.
- Representing an auto finance company in investigation before the U.S. Department of Justice regarding its compliance with the Servicemember Civil Relief Act.
- Drafted public comments on behalf of a telecommunications member association to the FTC regarding the Children’s Online Privacy Protection Act, the Gramm–Leach–Bliley Safeguards Rule, and other privacy and data security issues and the California Attorney General regarding the California Consumer Privacy Act advocating for members’ interests and concerns.

## ***Publications & Presentations***

### ***Publications***

- “What CFPB, FTC Data Security Crackdown Means For Cos.” *Law360*, August 30, 2022.
- “FTC Blog Seems to Widen Scope of Breach Reporting Law,” *Law360*, June 1, 2022.
- “FTC Revises the Safeguards Rule and Proposes Mandatory Reporting of Cybersecurity Events,” *Westlaw Today*, November 15, 2021.

### ***Presentations***

- “Made in the USA- Or Is It? Substantiation Amidst FTC Scrutiny,” American Conference Institute's 5th Annual Forum on Advertising Claims Substantiation, webinar, February 1-3, 2022.
- “*Liu v. SEC*: Disgorgement Is Alive and ... Well? The Future of Disgorgement for the SEC and the FTC,” Practising Law Institute, webinar, July 27, 2020.
- “Nuts and Bolts Program Consumer Protection,” American Bar Association, August 21, 2019.

## ***Professional & Community Engagement***

- Certified Information Privacy Professional (CIPP/US)
- U.S. Supreme Court
- U.S. District Court for the District of Columbia
- U.S. District Court for the Western District of Michigan

## ***Education***

- Boston College (J.D., 2000)
- Northeastern University (B.S., 1984)

## ***Admitted to Practice***

- District of Columbia
- Massachusetts (Inactive)

## ***Related Services***

Consumer Protection/FTC | Privacy & Cybersecurity Litigation | Litigation | White Collar, Government & Internal Investigations | Privacy, Cyber & Data Strategy | Technology & Telecommunications Litigation | Financial Services Litigation | Antitrust | State Attorneys General Practice Team | Education | Privacy & Cyber Regulatory Enforcement | Consumer Financial Services