



Kathleen Benway

Partner

+1 202 239 3034 | kathleen.benway@alston.com

Washington, D.C. | The Atlantic Building, 950 F Street, NW | Washington, DC 20004-1404

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 ■ Artificial Intelligence (AI)

Kathleen Benway concentrates her practice on government investigations and litigation and corporate compliance related to consumer protection issues, including privacy, security, advertising, fintech, and consumer financial services.

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 FTC 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

- Representing an education services company in FTC litigation related to the company's marketing on behalf of a client-institution.
- Represented a chargeback mitigation company in FTC investigation and litigation related to credit card dispute practices.
- 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.
- Represented an auto finance company in an investigation by the FTC into auto dealership lending and sales 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

- "Federal Trade Commission Continues Its Focus on Health Privacy," *The Journal of Federal Agency Action*, November 2023.
- "Limit Your Health Data Sharing and Call Me in the Morning: Federal Trade Commission Prescribes Enforcement of the Health Breach Notification Rule," *Pratt's Privacy & Cybersecurity Law Report*, July 2023.
- "Marketing Best Practices Amid FTC Green Guide Review," *Law360*, March 14, 2023.
- "Federal Trade Commission Settles with Drizly for Alleged Security Failures," *Pratt's Privacy & Cybersecurity Law Report*, LexisNexis, Vol. 9, No. 2, February-March 2023.
- "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.
- "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
- Washington
- Massachusetts (Inactive)