



News

Joanna Storey Authors BASF Blog Post on Lawyers' Data Breach-Related Duties

February 9, 2021

Hinshaw attorney Joanna Storey published a blog post titled "Data Breach: Breaking Down a Lawyer's Ethical Duties to Inquire and Disclose" in the Bar Association of San Francisco's (BASF's) *Legal by the Bay* blog. The post discusses State Bar of California Standing Committee on Professional Responsibility and Conduct Formal Opinion No. 2020-203.

Formal Opinion No. 2020-203 addresses lawyers' ethical obligations as to unauthorized access of electronically stored confidential client information in the lawyer's possession. As Storey explains, it covers:

- lawyers' duty to understand how confidential client information may be vulnerable to a breach
- a recommendation that law firms consider preparing a data breach response plan
- lawyers' duty to use "reasonable efforts" to address data breach risks
- the duty of lawyers with managerial authority to establish internal policies and procedures to protect client confidences from data breach and to provide internal training
- lawyers' duty to disclose a data breach as soon as reasonably possible
- lawyers' duty to be mindful of data breach notification requirements under data breach laws

[Read the post on the BASF *Legal by the Bay* website](#)

"Data Breach: Breaking Down a Lawyer's Ethical Duties to Inquire and Disclose," was published by *Legal by the Bay* on January 26, 2021.

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