

Are Consumer Privacy Ombudsmen Theatrical Performers?

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John G. Loughnane, a partner in the Firm's Business Department, recently authored "*Are Consumer Privacy Ombudsmen Theatrical Performers?*" for the February 2024 Cyber-U column of the American Bankruptcy Institute Journal.

In 2023, Loughnane served as the Court-approved Consumer Privacy Ombudsman ("CPO") in the chapter 11 proceedings of a travel company that had requested court permission to sell certain personally identifiable information ("PII") of consumers to strategic purchasers.

The article examines the current role of the CPO, a position created by Congress twenty years ago after the efforts of chapter 11 debtor Toysmart.com to sell the PII of customers in contravention of the company's privacy policy. Loughnane examines two recent law review articles published by Judge Christopher Bradley and evaluates the recommendations offered there in light of his own recent experiences serving as a CPO in a fast-moving, hotly contested case involving thousands of consumers.

The article concludes with suggestions for possible next steps for further evaluation and modernization of the CPO role moving forward.

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