

The Privacy Balancing Act—

Practical Compliance in a Fragmented Legal Landscape

1. There is no single “boss” of privacy in the U.S. Indeed, businesses must map out their own compliance patchwork carefully, taking into account the various federal and state regulators and sources of obligations.
2. Managing consumer consent issues is complex and requires understanding the categories of personal data the business is collecting and from whom it is being collected. Dynamic consent platforms may be the future.
3. Innovative ways to make privacy protection automatic, for example, by adopting the Uniform Opt-Out Mechanism and ensuring that business websites recognize a user’s browser-level opt-out signals, may make compliance easier.
4. Just because technology or AI currently is lawfully allowed to do something does not mean that it is ethical or legal for businesses to use AI in that way. Businesses should make sure that their efforts to integrate AI are consistent with transparency obligations under existing data privacy laws and stay informed about new AI-specific regulations.
5. Privacy is no longer just a legal hurdle; it may become a hurdle to obtaining necessary insurance, selling or buying businesses, or building trust with customers.

5 FOR THE ROAD

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