



## Austin Manes

Associate

Silicon Valley

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Austin Manes advises clients on the expanding landscape of privacy and data protection laws, as well as legal issues surrounding artificial intelligence. Austin has extensive experience applying domestic and foreign privacy laws, including sector-specific regulations in healthcare, finance, internet, advertising, education and critical infrastructure. He also provides risk assessments on companies' privacy and data security programs, often in the M&A context, and leverages years of experience litigating cybersecurity patents to advise on industry-standard security practices. Austin has implemented privacy programs and policies for Fortune 500 companies, and smaller organizations across a broad range of industries. Austin has obtained the following certifications in privacy law from the International Association of Privacy Professionals (IAPP): CIPM (Privacy Program Management); CIPP/US (US Privacy Laws); CIPP/E (European Privacy Laws); and PLS/FIP (Fellow of Information Privacy, the IAPP's most advanced privacy law certification).

Austin is an accomplished trial lawyer with over 10 years of experience in complex commercial litigation. His notable cases include representing an early innovator in cybersecurity whose intellectual property generated more than \$350 million, and helping an internet security company obtain the largest patent infringement verdict in U.S. history. Austin represents insurance companies and advises clients on cybersecurity liability coverage. He has also won numerous appeals in the 9th Circuit, Federal Circuit and California Courts of Appeal, and has successfully litigated against federal administrative agencies.

Austin dedicates significant time to pro bono matters. He has secured asylum from religious or social persecution for many applicants before the U.S. Department of Homeland Security and once won a complete reversal from the Board of Immigration Appeals. Austin also volunteers his time and legal services to veterans' associations and serves on the board of a Bay Area charity that donates millions to local causes.

During law school, Austin worked in the chambers of the Honorable John T. Noonan Jr. of the U.S. Court of Appeals for the 9th Circuit and the Honorable A. James Robertson II of the Superior Court

of California, County of San Francisco, assisting those judges with their deliberations on many written and oral appellate arguments as well as in multiple trials.

Prior to his legal career, Austin served a distinguished four-year enlistment in the U.S. Army. As an infantry team leader, he had the distinct honor of being selected as a sentinel at the Tomb of the Unknown Soldier in Arlington National Cemetery. He was decorated twice for exceptionally meritorious service and achievement during that time.

## **Experience**

- Developed, maintained and updated privacy programs for a Fortune 500 investment company.
- Drafted privacy policies in response to new laws for a Fortune 500 financial services company.
- Developed top-level, HIPAA-compliant privacy guidance for a major conglomerate of insurance services providers.
- Helped multiple international data brokers comply with complex, newly enacted privacy regulations.
- Assisted an internet security company in obtaining the largest patent infringement verdict in U.S. history.
- Represented a cybersecurity innovator whose intellectual property generated more than \$350 million.
- Represented minority shareholders in a fiduciary duty dispute involving hundreds of millions of dollars.

## **Perspectives**

### **Publications**

- Co-author, AI Regulatory Update: Q4 2024 (Dec. 17, 2024)
- Co-author, Texas Positions Itself as a Privacy Enforcement Leader (Dec. 12, 2024)
- Co-author, SEC Announces Penalties Against Four Companies for Downplaying Severity of SolarWinds Cybersecurity Breach in Disclosures (Oct. 28, 2024)
- Co-author, NY Department of Financial Services Releases AI Cybersecurity Guidance (Oct. 23, 2024)
- Co-author, Artificial Intelligence Quarterly Update (Fall 2024)
- Co-author, Southern District of New York Dismisses Most Claims in SEC Cybersecurity-Related Enforcement Action Against SolarWinds (Aug. 05, 2024)
- Co-author, Corporate Governance: 2024 Midyear Review (Aug. 01, 2024)

- Co-author, SEC Division of Corporation Finance Clarifies Form 8-K Disclosures of Material Cybersecurity Incidents (May 30, 2024)
- Co-author, SEC Adopts Significant Cybersecurity Amendments to Regulation S-P (May 23, 2024)
- Co-author, States Take Varying Approaches to AI Regulation (May 15, 2024)
- Co-author, Federal Privacy Bill Aims To Consolidate US Privacy Law Patchwork (April 30, 2024)
- Co-author, SEC Takes Action Against 'AI Washing,' Fines Two Investment Advisers for Misrepresenting Artificial Intelligence Use (March 20, 2024)
- Co-author, Key Considerations Regarding the Recently Passed EU Artificial Intelligence Act (March 14, 2024)
- Co-author, DoorDash Settles California Consumer Privacy Act Enforcement Action (Feb. 26, 2024)
- Co-author, President Biden Signs Executive Order on 'Safe, Secure, and Trustworthy' Artificial Intelligence (February 2024 Edition)
- Co-author, Corporate Governance: 2023 Year-End Review (Jan. 03, 2024)
- Co-author, Privacy and Data Security Law 2023 Year in Review (Dec. 21, 2023)
- Co-author, AI Regulatory Update (Dec. 19, 2023)
- Co-author, AI Policies (Dec. 05, 2023)
- Co-author, NY Department of Financial Services Finalizes Significant Amendments to Its Cybersecurity Regulations (Nov. 09, 2023)
- Co-author, California Passes the Delete Act, Establishing a Single Location for Consumers to Delete Their Personal Information From Data Broker Records (Nov. 08, 2023)
- Co-author, President Biden Signs Executive Order on "Safe, Secure, and Trustworthy" AI (Oct. 31, 2023)
- Co-author, California Governor Sets Path Toward State Use and Regulation of AI (Sept. 12, 2023)
- Co-author, SEC Finalizes New Cybersecurity Disclosure Rules (July 28, 2023)
- Co-author, US and EU Finalize New Data Privacy Framework (July 26, 2023)
- Co-author, Corporate Governance: 2023 Midyear Review (July 11, 2023)
- Co-author, Compliance With Forthcoming Biometric Laws in New York City (April 26, 2023)
- Co-author, Comparing the Six Comprehensive State Privacy Laws (April 19, 2023)
- Co-author, SEC Proposes Data Breach Notification and Incident Response Requirements (March 21, 2023)

- Co-author, SEC Issues \$3 Million Penalty Against Blackbaud for Misleading Cybersecurity Incident Disclosures (March 17, 2023)
- Co-author, Cybersecurity in the Boardroom: 'Caremark' Liability for Boards' Failure to Oversee Cybersecurity (March 14, 2023)
- Co-author, Cybersecurity, Privacy and Data Protection 2022 Year in Review (Jan. 24, 2023)
- Co-author, New York State Department of Financial Services To Amend Cybersecurity Regulations for Financial Services Companies (Nov. 17, 2022)
- Co-author, Proposed FTC Order Targets Drizly and Its CEO for Allegedly Lax Information Security Standards Following Data Breach (Nov. 10, 2022)
- Co-author, CA Attorney General Announces First Public CCPA Fine (Sept. 06, 2022)
- Co-author, Federal Privacy Bill Shows Emerging Patterns in US Privacy Law (July 29, 2022)
- Co-author, Comparing the 5 Comprehensive Privacy Laws Passed by US States (June 10, 2022)
- Co-author, 2022 Omnibus Spending Package Includes New Cybersecurity Incident Reporting Requirements for Critical Infrastructure Companies: How the Law May Affect Your Company (March 17, 2022)
- Co-author, SEC Proposes Comprehensive Cybersecurity Reporting Rules for Public Companies (March 17, 2022)
- Co-author, SEC Proposes Cybersecurity Risk Management Requirements for Investment Advisers and Registered Funds (Feb. 11, 2022)
- Co-author, Federal Bank Regulators Approve New Cybersecurity Incident Notification Rule (Nov. 30, 2021)
- Co-author, DOJ Announces Civil Initiative Focused on Using the False Claims Act to Prosecute Cybersecurity-Related Fraud by Government Contractors and Grant Recipients (Oct. 21, 2021)
- Co-author, In Echo of Expert Network Cases, SEC Reaches Securities Fraud Settlement with Alternative Data Provider (Sept. 23, 2021)
- Co-author, SEC Continues Focus on Cybersecurity in Three New Actions Targeting Investment Advisers and Broker Dealers (Sept. 13, 2021)
- Co-author, US Supreme Court Clarifies Injury-in-Fact Plaintiffs Must Show To Have Standing To Assert Statutory Privacy Rights in Federal Court (July 14, 2021)
- Co-author, Colorado Privacy Act Signed Into Law: What You Need to Know (July 13, 2021)
- Co-author, European Commission Adopts New Standard Contractual Clauses for Data Transfers (June 17, 2021)

- Co-author, DOJ Seizes Millions in Ransom Paid to Colonial Pipeline Hackers (June 10, 2021)
- Co-author, Executive Order Enhances Cybersecurity Requirements for Government Contractors (May 25, 2021)
- Co-author, How To Confirm Your Privacy Program Complies With California and Virginia Privacy Obligations (April 08, 2021)
- Co-author, Announcing 'Cyber Insurance Risk Framework,' NY DFS Joins OFAC in Discouraging Carriers From Making Ransomware Payments (Feb. 09, 2021)
- Co-author, California Passes Prop 24 to Amend and Expand Consumers' Privacy Rights (Nov. 12, 2020)
- Co-author, Revisions to California Privacy Law to Appear as November Ballot Initiative (Aug. 03, 2020)
- Co-author, The California Consumer Privacy Act Has Gone Into Effect: Implementation and Next Steps for Impacted Companies (Feb. 03, 2020)

## **Speaking Engagements**

- Panelist, Lead Gen Bulletin's State Privacy Law Update (March 19, 2024)
- Speaker, Lead Gen Bulletin's A Guide to State Privacy Laws (Nov. 16, 2022)

## **Recognition**

- Marvin Frankel Pro Bono Award (2016 – 2018, 2020 – 2022)
- Presidential Management Fellows Finalist (2011)
- Honor Graduate, Primary Leadership Development Course, 10th Mountain Division (2002)
- Army Commendation and Army Achievement Medals (2002)

## **Credentials**

### **Education**

- J.D., University of California, Hastings College of the Law, 2011
  - Merit-based Dean's Scholarship Recipient (2008-2010)
- B.A., Victoria University of Wellington, 2007

### **Bar Admissions**

- California, 2012

### **Clerkships**

- Judicial Externships

- Honorable John T. Noonan, Jr., U.S.C.A., 9<sup>th</sup> Circuit, 2011
- Honorable A. James Robertson II, San Francisco Superior Court, 2010

### **Court Admissions**

- U.S.C.A., 9th Circuit
- U.S.D.C., Central District of California
- U.S.D.C., Eastern District of California
- U.S.D.C., Northern District of California
- U.S.D.C., Southern District of California

### **Professional Affiliations**

- International Association of Privacy Professionals, 2020 – present
  - CIMP, CIPP/US, CIPP/E, PLS, FIP

### **Languages**

- Spanish