



Andrew J. Droke, CIPP/US

Shareholder

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Andrew is co-leader of the Firm's GDPR Team, and he counsels clients in a broad range of data protection, privacy, and cybersecurity matters.

As a member of the Firm's Health Law group and Data Protection, Privacy, and Cybersecurity Team, Andrew advises clients regarding complex data use and sharing arrangements, digital health strategies, technology agreements, and information privacy and security compliance considerations.

Andrew routinely counsels clients with respect to their privacy, cybersecurity, and information practices, including the compliance obligations imposed by the Health Insurance Portability and Accountability Act (HIPAA), 42 CFR Part 2, the ONC and CMS interoperability and information blocking regulations, state privacy and security laws, and global data protection laws such as the General Data Protection Regulation (GDPR). As co-leader of the Firm's GDPR Team, Andrew assists U.S.-based and global organizations with data processing agreements, issues involving international data transfers, and navigating conflicts between foreign privacy laws and U.S. compliance obligations with respect to data use and processing.

Andrew also helps clients with technology agreements and with identifying and addressing data protection and privacy risks through diligence counseling and negotiations in mergers and acquisitions.

During law school, Andrew served as a judicial extern for the Honorable Bernice B. Donald on the United States Court of Appeals for the Sixth Circuit.

Representative Matters

- Worked with health IT companies and health care providers to analyze and establish complex data use and sharing relationships.
- Counseled regional health system on the implementation of interoperability and information blocking requirements.
- Worked with large not-for-profit hospital systems, behavioral health systems, and health IT companies to develop and implement comprehensive information privacy and security programs addressing HIPAA, 42 CFR Part 2, and applicable state laws.
- Assisted in structuring, drafting, and negotiating technology, digital health, software, vendor, and other service provider agreements and business associate agreements.
- Assisted national retailers and data analytics companies in strategic planning with respect to data collection, use, and intra-organization sharing.
- Create privacy notices for retailers, distributors, health care providers, health care technology companies, mobile applications, non-profit organizations, and professional sports organizations.
- Coordinated information privacy and security aspects of a \$450M acquisition of a hotel data and analytics company.
- Helped electronic medical record vendor analyze its obligations under the GDPR and revise its website terms of use and privacy notices.
- Assisted regional health system with Promoting Interoperability program participation requirements.
- Worked with clients to develop external notices and internal policies to facilitate compliant data collection and handling, including privacy notices, data privacy policies and privacy risk assessments.

- Assisted with sales and acquisitions of health systems, physician groups, and technology companies, including information privacy and security diligence.



Professional Honors & Activities

- Named a *Best Lawyers in America*® "Ones to Watch" in Health Law and Technology Law (2021, 2022)
- Listed in *Mid-South Super Lawyers* as a Rising Star in Health Care (2020, 2021)
- Member – International Association of Privacy Professionals (CIPP/US)
- Member – American Health Law Association
- Member – International Association of Privacy Professionals
- Member – American Bar Association
- Member – Tennessee Bar Association, Health Law Section
- Member – Nashville Bar Association



Community Activities

- Past Chair – IAPP Nashville KnowledgeNet



Publications

- "Trusted Exchange Framework and the Common Agreement" (January 2022)
- "Risks and Advantages of Using Offshore Vendors," *Today's General Counsel* (June 2021)
- "Transitioning of Behavioral Health Data Sharing and Information Exchange: A Structured Approach to Decision Making," *American Health Law Association* (April 2021)
- "Data Privacy Day: Top Considerations for 2021," republished in *CPO Magazine* (January 2021)
- "Interoperability and Information Blocking," *AHLA Health Law Watch* (May 2020)
- "No Time to Rest: HHS Marches Ahead with Interoperability and Information Blocking Updates" (April 28, 2020)
- "Coronavirus: Significant HIPAA Relief in Telehealth Context Due to COVID-19 Response" (March 23, 2020)
- "Coronavirus: HHS Announces Limited Waivers of HIPAA Penalties and Sanctions" (March 17, 2020)
- "California's New Privacy Act," *Nashville Post* (March 2020)
- "CMS and ONC Publish Final Interoperability and Information Blocking Rules," republished in *Westlaw Journal Healthcare* (March 2020)
- "Privacy & Cybersecurity Due Diligence – No Longer Optional: Company Fined \$124 Million for Pre-Merger Compromise" (July 2019)
- "Required Reading for All Health Executives – Key Draft Report Released Regarding Health Information Technology" (November 2018)
- "Beyond GDPR: EU's ePrivacy Regulation to Add New Layer of Data Obligations" (June 2018)
- "OIG Advisory Opinion 18-04: Another Favorable Medigap/PHO Arrangement," *Health Law Alert* (June 2018)
- "OIG May 2018 Work Plan Update," *Health Law Alert* (May 2018)
- Contributing Author – "Health Care Fraud and Abuse – CY2017," *Health Law Handbook* (2018 Ed.)
- "\$325 Million Qui Tam Reveals Growing Focus on EHR Incentive Payments" (December 2017)
- "OIG Advisory Opinion 17-06: Another Medigap/PHO Arrangement Approved," *Health Law Alert* (November 2017)
- "Peer Review Not Protected: U.S. Supreme Court Will Not Disturb Florida Decision Limiting the Patient Safety and Quality Improvement Act" (November 2017)



Speaking Engagements

- "Data Privacy Liability in the 2020s: Installing Blinds on the Fishbowl," American Bar Association (January 2021)
- "Data Incident Virtual Tabletop Exercise," International Association of Privacy Professionals, Nashville Chapter (December 2020)
- "Data Privacy and Security: The Role of the Tennessee Attorney General's Office" (October 2019)
- "The California Consumer Privacy Act," International Association of Privacy Professionals, Nashville Chapter (June 2019)



Webinars

- What to Do in 2022 – Privacy and Data Protection for the New Year (January 2022)
- Ninth Annual Tennessee Hospitality & Tourism Association Law Symposium (July 2020)
- Privacy, Cybersecurity, and the CCPA: What Does it Mean for Your Franchise? (March 2020)



Education

- University of Memphis Cecil C. Humphreys School of Law, J.D., 2013, magna cum laude
 - Notes Editor – *University of Memphis Law Review*
- University of Memphis, B.Mus., 2009, summa cum laude



Admissions

- Tennessee, 2013