



Matthew G. White, CIPP/US, CIPP/E, CIPM, PCIP

Shareholder

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Matt White, co-chair of the Firm's Financial Services Cybersecurity and Data Privacy Team, regularly advises clients on a wide range of cybersecurity and data privacy matters, including compliance, training, incident response, regulatory investigations, and litigation.

Matt White is a Certified Information Privacy Professional (CIPP/US, CIPP/E) and a Certified Information Privacy Manager (CIPM). Matt is also a Payment Card Industry Professional (PCIP). His practice focuses on representing financial institutions, including banks, credit unions, lenders, Fintechs, insurance companies, InsurTechs, investment advisory firms, and broker-dealer firms, as well as other highly regulated businesses. He counsels clients on all aspects of privacy and cybersecurity, including litigation and breach response, privacy compliance, transactional diligence, and the defense of regulatory actions.

Matt particularly focuses on helping businesses implement policies, procedures, and best practices concerning data privacy and security, and assisting clients in strategically navigating through cyber incidents and litigation.

Matt has significant experience:

- Counseling on the investigation, response, notification, and defense of data breaches and incidents;
- Advising clients on privacy, information security, supply chain and vendor management, insurance, document retention, e-discovery, and data and technology issues;
- Assisting clients with compliance-related matters including internal policy creation and training;
- Preparing customized website and mobile device policies and notices including terms of use, privacy policies, state-specific notices, and cookie notices; and
- Representing clients in responding to regulatory investigations and in litigation and class action matters involving cybersecurity and data privacy issues.

He routinely advises clients on data privacy and security matters arising from a variety of state and federal laws and regulations including the Gramm-Leach-Bliley Act (GLBA), the Fair Credit Reporting Act (FCRA), the Fair and Accurate Credit Transactions Act (FACTA), the Telephone Consumer Protection Act (TCPA), the Controlling the Assault of Non-Solicited Pornography and Marketing Act (CAN-SPAM), the Electronic Communications Privacy Act (ECPA), the Stored Communications Act (SCA), the California Consumer Privacy Act (CCPA)/California Privacy Rights Act (CPRA) and other state privacy laws, and the New York Department of Financial Services Cybersecurity Regulation. He also counsels clients on global data protection laws including the General Data Protection Regulation (GDPR), and on compliance with Payment Card Industry (PCI-DSS) requirements.

Matt also provides strategic advice to his clients concerning blockchain technology, smart contracts, cryptocurrencies, and other digital assets including non-fungible tokens (NFTs). He provides sophisticated and knowledgeable counsel on the novel issues clients encounter in this rapidly evolving space. He has advised clients on relevant regulations including federal and state money transmitter laws, AML/KYC, privacy and cybersecurity, as well as whether tokens are considered securities. Matt has deep experience in financial services regulation, securities, commodities, and broker-dealer regulation, cybersecurity and data privacy, and in litigation, and draws on that experience to anticipate, recognize, and address the legal, regulatory, and compliance issues his clients face relating to blockchain and digital assets. As the decentralized finance (DeFi) ecosystem continues to evolve, Matt can advise clients ranging from platforms, exchanges, issuers, application

developers, startups, and other innovators who are operating in this cutting edge environment, to investors, hedge funds, and established financial firms that are interested in exploring the legal implications of and strategically increasing their exposure to the DeFi markets. He has also represented victims of DeFi fraud in assessing their recovery and litigation options.

Matt also has extensive experience representing financial institutions, broker-dealers, investment advisors, and other companies in litigation, arbitration, regulatory and compliance matters, and in investigations and enforcement proceedings. He regularly represents national and regional securities firms and their registered representatives in a wide array of matters including customer-initiated arbitrations and litigation, enforcement proceedings and investigations by the SEC, FINRA and other self-regulatory organizations and state securities regulators, intra-industry disputes such as "raiding" claims, and claims related to non-competition agreements, the theft of trade secrets, and expungement.

As an experienced litigator, Matt has represented clients in numerous complex commercial and general business litigation. He has successfully litigated trial and appellate matters in both state and federal courts, and in mediation and arbitration. Matt has also defended financial institutions and other corporations in class action litigation.

You can follow Matt on Twitter, [@mattwhitejd](#), and connect with him on [LinkedIn](#).

Representative Matters

- Represented numerous financial institutions with regard to compliance with privacy and cybersecurity laws and regulations, including GLBA, CCPA, CPRA, GDPR, HIPAA, FCRA, and TCPA.
- Assisted numerous clients with remediation and reporting of security incidents, including those caused by ransomware, phishing, malware, employee misconduct, and other cyber-attacks.
- Counseled multiple clients on compliance with U.S. privacy laws and privacy notices.
- Represented a company in class action litigation alleging violations of the FTC Guidelines arising out of a data breach.
- Represented numerous broker-dealers and registered investment advisers in litigation and in arbitrations involving claims of unsuitability, unauthorized trading, misrepresentation, churning, failure to supervise and breach of fiduciary duty.
- Successfully defended broker-dealers and registered investment advisers in SEC enforcement actions.
- Successfully defended broker-dealers in FINRA enforcement actions.
- Successfully defended a corporate executive in an SEC insider trading investigation.
- Successfully defended the officer of a company in a SEC inquiry regarding alleged material misrepresentations.
- Represented numerous broker-dealer firms and their registered representatives in responding to subpoenas, document requests from regulators, and informal inquiries as well as formal SRO investigations involving investment banking activities, alleged sales practice violations, failure to supervise and other matters.
- Represented the officers of a public company in bankruptcy and in a parallel criminal investigation, civil litigation and regulatory investigation
- Successfully defended a financial institution on appeal in a U.S. Court of Appeals case arising out of the disposition of a business unit in which former employees claimed \$2.4 million in damages for the alleged breach of a payment agreement. Obtained affirmance in the client's favor.
- Represented a mortgage company in a case before the Tennessee Court of Appeals in which the Court held that there is no private right of action to enforce the Home Affordable Modification Program.

- Won a dismissal of action alleging breach of contract and fraud filed in a U.S. District Court based on lack of personal jurisdiction.
- Represented a local government in litigation arising from school system consolidation.
- Defended broker-dealer in a federal court action alleging violations of federal and state securities laws, aiding and abetting breach of fiduciary duties, and commercial bribery in the wake of the bankruptcy of a registered investment adviser.



Professional Honors & Activities

- Member – International Association of Privacy Professionals (CIPP/US, CIPP/E, CIPM)
 - Co-Chair, IAPP KnowledgeNet Memphis Chapter
- Distinguished™ Peer Review Rated by Martindale-Hubbell
- Named a Mid-South Rising Star by *Mid-South Super Lawyers* (2014 – 2021)
- Named a 2018 Best of the Bar Ace Associate by the *Memphis Business Journal*
- Named a 2016 Top 40 Under 40 by the *Memphis Business Journal*
- Recipient – Baker Donelson Firmwide Pro Bono Award (2016, 2018)
- Member – American Bar Association
 - Securities Litigation Committee
- Member – Memphis Bar Association
- Member – Tennessee Bar Association
- Member – Virginia Bar Association
- Member – Bar Association of the District of Columbia
- Member – DRI
 - Commercial Litigation Committee
 - Government Enforcement and Corporate Compliance Committee
 - Securities Enforcement Subcommittee
 - Complex Commercial Litigation Subcommittee
- Community Co-Chair – DRI Complex Commercial Litigation SLG
- Member – Financial Markets Association, Seminar Planning Committee
- Member – Leo Bearman, Sr. American Inn of Court
- Named a Tennessee Supreme Court Attorney for Justice
- Member – Financial Services Department Diversity Committee



Community Activities

- President – Memphis Area Gator Club



Publications

- Co-author – "New Safeguards Rule: How Will It Impact Financial Institutions?," *Westlaw* (December 2021)
- Co-author – "Protecting Privileged Forensic Reports," *Today's General Counsel* (December 2021)
- Co-author – "Getting Serious with Cybersecurity: Best Practices from Regulators," *Commercial Factor Magazine* (October 2021)
- Co-author – "Ransomware State of the Union: Regulations, Trends and Mitigation Strategies," *Rueters and Westlaw Today* (October 2021)
- Co-author – "Financial Industry Regulators Continue Crack Down on Cybersecurity" (September 2021)
- Co-author – "FFIEC Updates Its Guidance on Authentication and Access Controls: Key Takeaways Financial Institutions Should Implement Now" (August 2021)
- Co-author – "What Boards of Directors Need to Know about Cyber Incident Response," *Rueters and Westlaw Today* (August 2021)

- Co-author – "Another State Privacy Law Hits the Books: What You Need to Know About the Colorado Privacy Act" (July 2021)
- Co-author – "Incident Response Considerations: Protecting the Attorney-Client Privilege," *Rueters and Westlaw Today* (June 2021)
- Co-author – "How to Contend With a 21st Century Ransom Note," *ABA Banking Journal* (April 2021)
- Co-author – "Insurers Beware: Potential Impacts of New York's Cyber Insurance Risk Framework," *Insurance Journal* (April 2021)
- Co-author – "California Privacy Law Update: CCPA Amendments Announced and CPPA Board Members Appointed," republished April 8, 2021 in *Corporate Compliance Insights* (March 2021)
- Co-author – "NYDFS Surges Ahead with Cybersecurity Enforcement: Recent Fine Highlights Need for Financial Institutions to Focus on Incident Response" (March 2021)
- "Key Takeaways from Recent Cyberattack Resulting in Demise of Hedge Fund" (February 2021)
- Co-author – "Privacy Legislation Floodgates Have Opened: Virginia Passes the Consumer Data Protection Act," republished March 17, 2021 in *Corporate Compliance Insights* (February 2021)
- Co-author – "U.S.'s First Cyber Insurance Risk Framework Issued by New York Department of Financial Services," republished in *Property Casualty 360* (February 2021)
- Co-author – "Proposed NY Privacy Bill Would Increase Business Obligations and Litigation/Enforcement Exposure for Businesses, Including Financial Institutions," republished in *Banking Exchange* (January 2021)
- Co-author – "Faster and More Comprehensive Breach Notification Requirements Proposed for Banks," republished in *BankBeat* (January 2021)
- Co-author – "The Year Ahead: Privacy and Cybersecurity Issues Facing Financial Institutions in 2021," republished in *Bank Beat* (January 2021)
- Co-author – "New Ransomware Advisories from OFAC and FinCEN Create Additional Challenges for Financial Institutions" (January 2021)
- Co-author – "How California's New(er) Privacy Legislation Will Affect U.S. Businesses," republished November 18, 2020 in *Corporate Compliance Insights* (November 2020)
- Co-author – "FTC's Red Flag Rule: A Review of Enforcement Actions and Compliance Considerations for the Next Decade," *Market Solutions*, Financial Markets Association's e-Newsletter, Volume 29, Number 3 (September 2020)
- Co-author – "OCC Issues Guidance on Safekeeping and Custody Services for Cryptocurrency," republished in *Corporate Compliance Insights* (August 2020)
- Co-author – "Lessons Learned from the NYDFS First Cybersecurity Regulation Enforcement Action," republished August 26, 2020 in *Westlaw* (July 2020)
- "Critical Guidance for Financial Institutions on Security Considerations for Cloud Computing Environments," republished in *Banking Exchange* (May 2020)
- Co-author – "SEC Signals How Examinations Will Focus on Compliance with Reg BI and Form CRS" (April 10, 2020)
- "Cybersecurity Preparedness: Standardization is Key," republished October 2019 in *Westlaw Journal Bank & Lender Liability* (August 2019)
- Co-author – "SEC Issues Risk Alert on Regulation S-P," republished June 2019 in *Westlaw Journal Bank & Lender Liability* (May 2019)
- Co-author – "SEC & FINRA: Shared Regulatory Priorities for 2019" (April 2019)
- Co-author – "Data Privacy Class Actions," *Tennessee Bankers Magazine* (March/April 2019)
- Co-author – "Public Company Cybersecurity Disclosures: The SEC Means What It Says" (April 2018)
- Co-author – "SEC & FINRA: Shared Regulatory Priorities for 2018," republished in *Corporate Compliance Insights* (March 2018)
- "SEC Expands Cybersecurity Guidance: All Public Companies Must Take Note," republished in *Corporate Counsel* (February 2018)

- Co-author – "The Evolving Landscape of Data Privacy and Cyber Security in the Financial Services Industry," 4 *Emory Corporate Governance & Accountability Review* 369, Volume 4, Issue 2 (2017)
- Co-author – "FINRA's 2016 Regulatory and Examination Priorities Letter," *Baker Donelson Broker-Dealer/Investment Adviser Alert* (March 2016)
- Co-author – "SEC Examination Priorities for 2016," *Baker Donelson Broker-Dealer/Investment Adviser Alert* (March 2016)
- Co-author – "Increased SEC and FINRA Scrutiny on Confidentiality Provisions" (July 2015)
- "SEC Issues Guidance on its 2014 Examination Priorities" (February 2014)
- "FINRA Issues 2014 Regulatory and Examination Priorities Letter" (February 2014)
- "FINRA Issues 2013 Regulatory and Examination Priorities Letter" (February 2013)
- "FINRA Requires Enhanced Oversight of Complex Products" (June 2012)
- "Federal Sentencing Guidelines: Too Blunt An Instrument?," *Law360* (June 2012)
- Co-author – "Unregistered Securities: Increasing Risks for Broker-Dealers" (May 2012)
- "FINRA Issues 2012 Priorities Letter" (February 2012)
- "SEC/FINRA Issue Guidance Related to Use of Social Media" (January 2012)
- "SEC Alters Policy on 'No Admit, No Deny' Settlements" (January 2012)
- "SEC/FINRA Guidance Signals that Broker-Dealers Must Strengthen Branch Exam Processes" (December 2011)
- Editor – Section on Alternative Dispute Resolution, *The District of Columbia Practice Manual*, 2011 Ed. (December 2011)
- Co-author – "Merger Trends: H&R vs. AT&T," *Law360* (November 2011)
- Co-author – "Generic Protections: A Synopsis of the Generic Approval Processes in the U.S., Japan, China, and the European Union," *Pharmaceutical Law & Industry Report*, 9 PLIR 716 (June 2011)



Speaking Engagements

- "Cybersecurity in the Construction Industry," Southeast Construction Owners and Associates Roundtable (SCOAR), Winter Meeting, Point Clear, Alabama (February 2022)
- "Navigating the Intersection of Security and Privacy," Vendor Risk Connect North America (December 2021)
- "Must Know for Cyber Security – Threats, Regulations & Best Practices," Association of Insurance Compliance Professionals (AICP) Annual Conference, San Diego, California (October 2021)
- "Broker-Dealer/Registered Investment Adviser Legal and Compliance Update," Webinar (September 2021)
- "Where Privacy and Security Intersect," International Association of Privacy Professionals (IAPP) Memphis KnowledgeNet Presentation (September 2021)
- "Data Inventory, Retention, and Privacy," International Association of Privacy Professionals (IAPP) Memphis KnowledgeNet Presentation (June 2021)
- "State Legislation Update: California and Copy-Cat States," International Association of Privacy Professionals (IAPP) Memphis KnowledgeNet Presentation (March 2021)
- "California Privacy Update: CPRA & CCPA," National Association of Mutual Insurance Companies (NAMIC) (January 2021)
- "Data Incident Virtual Tabletop Exercise," International Association of Privacy Professionals (IAPP) Memphis and Nashville KnowledgeNet Presentation (December 2020)
- "Gramm Leach Bliley Act—What is Your Bank Required to Do?," Tennessee Bankers Association's Strategic Technology, Risk & Security Conference (September 2020)
- "Updates in Privacy Law," International Association of Privacy Professionals (IAPP) Memphis KnowledgeNet Presentation (June 2020)
- "The California Consumer Privacy Act: Examining the Exemptions, Proposed Regulations, and Compliance Issues for Insurance Companies," National Association of Mutual Insurance Companies (NAMIC) (January 2020)

- "Legal Issues Confronting Inside Counsel" (November 2019)
- "How to Prepare for the SEC's New Standards of Conduct Rulemaking Package" (September 2019)
- "The SEC's Proposed Rules, Interpretations, and Forms on the Standard of Conduct for Broker-Dealers and Investment Advisers" (June 2018)
- Panelist – "BCP, Data Security and Cybersecurity: Avoiding Pitfalls and Mitigating Risk," FMA's 27th Annual Securities Compliance Seminar (April 2018)
- Speaker/Panelist – "Taking and Defending Effective Depositions," Tennessee Bar Association's *TennBarU* (April 2013)
- "Encountering and Avoiding Ethical Traps," Tennessee Bar Association's *TennBarU* (February 2013)



Webinars

- The New GLBA Safeguards Rule – What Financial Institutions Need to Know (November 2021)
- Breaking Down a Ransomware Attack: Recent Observations, How Ransom Negotiations Work, and What You Need to Know (October 2021)
- Year-End Privacy and Security Trends: What Financial Institutions Need to Know (September 2021)
- Crisis Communications During a Data Incident: Essentials for Your Organization (August 2021)
- Ransomware Attacks in 2021: How to Navigate the Evolving Threat Landscape (July 2021)
- Session Replay Technology and State Wiretap Class Actions: The Emerging Class Action Trend of 2021 (July 2021)
- An Overview of HIPAA Issues for Financial Institutions and Best Practices for Your Vendor Management Program (June 2021)
- Additional Incident Response Considerations – Protecting the Attorney-Client Privilege and Involving Your Board of Directors (May 2021)
- State and Federal Privacy Regulation in 2021: What is on the Horizon? (April 2021)
- Enterprise Cyber Risk Management for Financial Services Organizations (April 2021)
- The California Privacy Rights Act and Financial Institutions (March 2021)
- How To Prepare for a Cybersecurity Incident (February 2021)
- 2021 Privacy Landscape (January 2021)
- Cybersecurity for Financial Institutions: Essential Information on Cyber Incidents and Regulatory Issues (November 2020)
- COVID-19: Cybersecurity and Data Privacy Considerations for Financial Institutions (April 2020)
- Coronavirus and Financial Institutions: What Banks and Lenders Need to Know (March 2020)
- California Consumer Privacy Act Essentials for Broker-Dealer and Investment Advisory Firms (December 2019)
- California Consumer Privacy Act Essentials for Financial Institutions (November 2019)
- How to Prepare for the SEC's New Standards of Conduct Rulemaking Package (August 2019)
- Cybersecurity and Data Privacy Essentials for Financial Service Providers (July 2018)



Education

- University of Florida, Levin College of Law, J.D., cum laude
 - Research Editor, *Florida Law Review*
 - Member – *Florida Journal of Technology Law and Policy*
 - Member – *Florida Entertainment Law Review*
 - Officer – Corporate and Securities Litigation Group
 - Placed First in the Florida Intramural Securities Moot Court Competition
 - Book Awards in Legal Drafting and Advanced Techniques in Appellate Advocacy
 - Dean's List
- University of Florida, B.A., magna cum laude



Admissions

- Tennessee, 2012
- District of Columbia, 2010
- Virginia, 2009
- U.S. District Court for the Western, Middle, and Eastern Districts of Tennessee
- U.S. District Court for the Eastern and Western Districts of Virginia
- U.S. District Court for the District of Columbia
- U.S. Court of Federal Claims
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the Sixth Circuit