

OUR PRACTICE

Digital Marketing, AdTech, and Consumer Privacy Compliance

In today's online marketplace, digital marketing has become a business imperative. Companies leverage digital marketing tools, such as targeted advertising, behavioral tracking, cookies, session replays, pixels, web beacons, and email or text campaigns, to reach their target audiences. But with opportunity comes increased regulatory scrutiny, class action exposure, and mounting consumer privacy risks under a complex and evolving patchwork of privacy, advertising, and consumer protection laws, from the California Consumer Privacy Act (CCPA), California Privacy Rights Act (CPRA), General Data Protection Regulation (GDPR), U.S. state privacy laws, wiretap statutes, and the Video Privacy Protection Act (VPPA).

Our dedicated team of more than 30 privacy and cybersecurity attorneys is trusted by companies across industries, from early-stage tech startups to global brands, including those in highly regulated sectors, such as healthcare, finance, and education. We advise clients on complex digital marketing-related issues, such as behavioral advertising, cross-device tracking, social influencer campaigns, and the protection of children's online privacy. Our attorneys stay at the forefront of state and federal privacy enforcement trends to provide strategic, actionable, and business-oriented legal guidance on every facet of digital marketing and AdTech compliance.

Whether you're developing a new digital marketing program, revamping and optimizing your website, negotiating a digital marketing agreement, responding to a regulatory inquiry, or defending a pixel litigation claim, we provide strategies and practical legal advice and counsel.

Our Services Include:

Website and Platform Compliance: Drafting and updating privacy policies and terms of use, helping clients understand and implement best practices for cookie banners and consent mechanisms, and measurement and attribution in compliance with applicable state, federal, and international privacy laws (e.g., CCPA/CPRA, GDPR, state comprehensive privacy laws, etc.).

Tracking Technology Audits: Assessing website and mobile app tracking tools, including cookies, pixels, session replay, device fingerprinting, and cross-device tracking.

Digital Marketing Strategy & Risk Mitigation: Counseling on legally sound behavioral advertising campaigns, retargeting, lead generation, data licensing and analytics, and audience segmentation.

Consumer Communication Laws: Advising on Telephone Consumer Protection Act (TCPA), the CAN-SPAM Act, and mini-TCPA compliance for email, SMS, and voice marketing programs.

Vendor Management & Contracting: Drafting and negotiating digital advertising agreements between players across the advertising ecosystem, Adtech-specific data processing agreements (DPAs), and data sharing arrangements with privacy safeguards tailored to your business objectives.

Consumer Data Strategy: Designing policies for data minimization, retention, segmentation, and data subject request management (including fulfillment of consumers' requests for access, opt-outs, correction, and deletion).

Enforcement & Litigation Defense: Representing clients in investigations and actions by the Federal Trade Commission (FTC), State Attorneys General, and in class actions, litigation, and arbitration involving digital technologies, including cookies, pixels, wiretap laws, Video Privacy Protection Act (VPPA), Daniel's Law, and dark patterns.

Why Clients Choose Us:

As brands increasingly rely on data-driven advertising strategies, clients turn to Baker Donelson as their trusted partner to deliver business-focused legal support in a rapidly changing digital marketing landscape. We've successfully defended clients in website tracking class actions nationwide and routinely advise businesses on building forward-thinking and privacy-responsible marketing strategies that scale.