



Benita A. Kahn

Partner | Columbus Office

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Ms. Kahn is a partner in the Vorys Columbus office, chair of the technology and intellectual property group, and a member of the energy, environment and utilities groups. Ms. Kahn works with many nationally recognized retailers advising them on privacy laws, information security and consumer protection laws. In addition, Ms. Kahn advises clients on Ohio telecommunications regulatory issues. Over the last ten years, she has developed an expertise to assist clients with creation of their information security programs, incident response policies, marketing programs in compliance with the various state and federal consumer protection laws, and privacy policy creation and compliance.

Career highlights include:

- Advising retail clients on compromise response and issues arising from or related to a compromise, such as Notice of Breach compliance, Payment Card Industry (PCI) and Payment Application (PA) Data Security Standard (DSS) compliance, card association processes and state and Federal Trade Commission investigations
- Working with clients to draft and update privacy policies in compliance with state and federal privacy laws such as the Children's Online Privacy Protection Act of 1998 and Federal Trade Commission rules and orders. Ms. Kahn has also assisted clients with the initial evaluation of issues associated with Canadian federal and provincial privacy laws and the European Union (EU) Directive.
- Assisting clients with their marketing programs in compliance with federal and state consumer protection laws, such as do not call laws, the Telemarketing Sales Rule, the Telephone Consumer Protection Act, CAN-SPAM (Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003), advertising and information collection

Practice Areas

Energy and Utilities
Information Technology, Privacy,
New Media, and Advertising
Intellectual Property,
Entertainment, and Technology
Protection
Litigation

Industries

Information Technology
Retail and Wholesale Trade

Education

The Ohio State University Michael
E. Moritz College of Law, J.D.,
1982, *summa cum laude*, Order of
the Coif
University of Akron, B.A., 1970,
cum laude

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- Working with clients to negotiate contracts with acquiring banks and card associations, and for information security, private label credit cards, marketing, product placement and contests

Ms. Kahn is a member of the American Bar Association, the Ohio State Bar Association, the Columbus Bar Association, the International Association of Privacy Professionals and is a Certified International Privacy Professional (CIPP).

Ms. Kahn has given presentations on a variety of topics relating to customer data security and compromises of retail data to numerous retail associations and professional associations, including the International Association Privacy Professionals (IAPP), National Association of Convenience Stores (NACS) and the American Bar Association.

Ms. Kahn received her J.D. summa cum laude from The Ohio State University Michael E. Moritz College of Law where she was a member of the Order of the Coif. She received her B.A. cum laude from the University of Akron.

Publications

"The Federal Trade Commission's Expansion of the Safeguards Rule," *The Federal Lawyer*, September 2007

"Spilling Your Beans: An Analysis of States' Notice of Breach Laws and Recent Court Rulings," *Defense Counsel Journal*, 2007

"Adapting Data Security To Cross-Channel Marketing"

Client Alert: California Supreme Court Rules that ZIP Code is Personal Information Under the Song-Beverly Credit Card Act

"Addressing Privacy in the Age of New Media"

"New Privacy and Data Security Issues You Must Consider"

"Client Emergency Call: Our Data Has Been Stolen!"

Client Alert: New Federal Gift Card Statutes and Regulations

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Client Alert: FTC Once Again Extends Enforcement Deadline for Red Flags Rule

Professional and Community Activities

American Bar Association, Privacy and Information Security Sub-Committee of the Antitrust Section, Vice Chair, 2007-present

Energy and Mineral Law Foundation, Member, 1982-1999; President, 1996-1997

Franklin County Children's Services, Board of Directors, 1989-1997; Chair, 1990, 1991, 1995

Honors and Awards

Chambers and Partners, Leading Lawyer in Privacy & Data Security, 2009-2011

Columbus CEO, Top Lawyers in Columbus, 2010

Fellow of the Columbus Bar Foundation since 1998

Ohio Super Lawyers, Information Technology/Outsourcing, 2004, 2007-2012

Events

2011 Consumer Protection Conference

Compliance with Privacy and Data Security Obligations: How to Avoid Liability

InfoSec World Conference & Expo 2011

NACS Show 2009

National Advance Forum on Litigation and Enforcement Preparedness for Data Privacy & Information Security

Prevent Data Breaches on Campus: Solutions to Avoid Liability & Fines

The Summit on IT Governance, Risk and Compliance

Treasury Institute Symposium 2009

Webinar: Can I get sued for what my employees blog about?

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Bar and Court Admissions

Ohio