FOLEY & LARDNER LLP

Jennifer J. Hennessy

Partner

jhennessy@foley.com

Madison
608.250.7420

Boston

Jennifer Hennessy is a data privacy and cybersecurity attorney, advising clients ranging from multinational corporations to startups on all aspects of compliance with international, federal, and state data privacy and security laws. She is a partner in the firm's Technology Transactions, Cybersecurity, and Privacy Practice, a member of the Telemedicine & Digital Health Industry Team, the Health Care & Life Sciences Sector, and Innovative Technology Sector.

Jennifer has been recognized by the coveted Band 1 Ranking in Chambers USA (2025):

"Jennifer is extremely knowledgeable in healthcare-related privacy matters and has been an invaluable resource for our organization."

"Jennifer is phenomenal. She's such a subject matter expert who gives great guidance and practical solutions."

"Jennifer is highly responsive and thorough in her legal response to our questions. She is knowledgeable, responsive and collaborative."

– Chambers and Partners USA

Jennifer assists covered entities and business associates in complying with Health Insurance Portability and Accountability Act (HIPAA) and advises organizations on compliance with federal law 42 C.F.R. Part 2 (Confidentiality of Substance Use Disorder Treatment Records), the EU's General Data Protection Regulation (GDPR), and state data privacy laws, including the California Consumer Privacy Act (CCPA).

She works with a broad array of clients in the telemedicine and digital health industry, most notably high-growth emerging companies and entrepreneurial technology groups. Her work focuses on health care privacy and security in digital health and multistate footprints. She also advises cash and self-pay telemedicine companies on privacy and security considerations.

Jennifer frequently guides clients through data incident management and the entire breach notification process, from the early stages of the investigation to the notification of affected individuals and government regulators, as well as through any resulting enforcement actions or regulatory investigations. Her depth of experience in this area allows her to provide clients with practical and business-oriented solutions in the event of a data incident and in its aftermath.

The Most Exciting Part of Working in Telemedicine

Representative Experience

Selected representative matters include:

- **HIPAA:** Developed a HIPAA compliance program for a digital health provider, including drafting privacy policies and conducting HIPAA training for employees, negotiated hundreds of business associate agreements on behalf of covered entities and business associates, and advised providers, health plans, and business associates on their regulatory obligations.
- **Substance Use Disorder Information:** Advised a multistate substance abuse treatment facility on navigating compliance with HIPAA, 42 C.F.R. Part 2, and state medical record confidentiality laws.
- **General Data Protection Regulation (GDPR):** Consulted with a U.S. health system on the applicability of GDPR, advised a clinical trial sponsor conducting trials in the EU on developing a GDPR compliance program, and negotiated a substantial number of data processing agreements as part of a client's GDPR compliance initiative.
- **California Consumer Privacy Act (CCPA):** Advised a large health system on CCPA's applicability, and counseled a manufacturer and sports management company on CCPA compliance, including drafting privacy notices, revising contracts, and developing protocols for responding to consumer rights requests.
- **Data breaches:** Guided a health care organization through breach notification as a result of use of online tracking technologies, assisted a physician practice with an investigation into a phishing incident, and advised a large health care system on the implications of an application security flaw resulting in unauthorized access to patient data.
- **Regulatory investigations:** Counseled a digital health provider in responding to a federal government inquiry regarding the provider's data sharing practices, and represented a manufacturer in responding to an investigation by the federal Office for Civil Rights (OCR) and other regulatory authorities subsequent to a data breach affecting employee health plan data.
- **Data de-identification:** Advised a health system on de-identification of patient data and the licensing of such de-identified data in accordance with HIPAA and other applicable law, including negotiation of

the licensing agreement.
- **Health information exchanges:** Assisted a health information exchange on navigating compliance with HIPAA, 42 C.F.R. Part 2, and state medical record confidentiality laws, including advising on the necessity of an opt-in versus opt-out consent model.
- **Security policies:** Drafted and revised security policies and procedures for clients including a digital health company, a health information exchange, and a sports management company.

Awards and Recognition

- Women in the Law, *Wisconsin Law Journal* (2025)
- Recognized in *Chambers USA: America's Leading Lawyers for Business* in the practice area of Healthcare (2025)

Affiliations

- Member, Certified Information Privacy Professional – United States (CIPP/US)
- Member, Certified Information Privacy Professional – Europe (CIPP/E)
- Member, International Association of Privacy Professionals (IAPP)
- Member, American Telemedicine Association (ATA)

Presentations and Publications

For a full list of publications and presentations, please click here.

- Co-author, "HIPAA Compliance for AI in Digital Health: What Privacy Officers Need to Know," *Health Care Law Today* (May 8, 2025)
- Co-presenter, "Data Privacy Considerations for Your Digital Strategy," American Telemedicine Association Annual Conference (May 3, 2025)
- Co-author, "Key Takeaways: 7th Annual "Let's Talk Compliance," *Health Care Law Today* (March 4, 2025)
- Co-author, "New York's Proposed Health Information Privacy Act Takes Aim at Digital Health Companies," *Health Care Law Today* (January 23, 2025)
- Co-author, "HHS Proposes Changes to Strengthen HIPAA Security Rule," *Health Care Law Today* (January 6, 2025)
- Co-author, "HIPAA Reproductive Health Care Amendments: Compliance in an Uncertain Enforcement Landscape," *Health Care Law Today* (December 19, 2024)
- Co-author, "OCR Says HIPAA Audits Will Resume: OIG Makes Recommendations for Enhancement," *Health Care Law Today* (December 9, 2024)
- Co-author, "HIPAA: Amendments to Protect Reproductive Health Care Information Can Now be Implemented with OCR's Final Rule," *Health Care Law Today* (July 2, 2024)
- Co-presenter, "Cutting Edge of Digital Health Privacy Law," American Telemedicine Association Annual Conference (May 5, 2024)

- Co-author, “HHS Updates Pixels and Trackers Guidance for HIPAA Regulated Entities,” *Health Care Law Today* (March 19, 2024)
- Co-author, “’Let’s Talk Compliance’: Health Care Privacy and Cybersecurity,” *Health Care Law Today* (February 21, 2024)
- Co-author, “NIST Publishes Final ‘Cybersecurity Resource Guide’ on Implementing the HIPAA Security Rule,” *Health Care Law Today* (February 21, 2024)
- Co-author, “HIPAA and Part 2 Harmonized: What Health Care Organizations Need to Know,” *Health Care Law Today* (February 12, 2024)
- Co-presenter, “Providing Clarity About the Information Blocking Rules,” American Telemedicine Association (November 13, 2023)
- Co-presenter, “Telehealth Landscape: Licensing, Practice Standards, and Online Tracking Technology Trends,” California Telehealth Resource Center Summit (June 14, 2023)
- Quoted, “Health Industry Pressed to Protect Data as Cyberattacks Spread,” *Bloomberg Law News* (March 17, 2023)
- Co-presenter, “HHS Bulletin: Requirements under HIPAA for Online Tracking Technologies,” Massachusetts Health & Hospital Association (January 31, 2023)
- Co-presenter, “Challenges of Interoperability and the Information Blocking Rule,” Foley & PYA Let’s Talk Compliance Webinar (January 19, 2023)
- Presenter, “Impact of the EU General Data Protection Regulation (GDPR) and Recently Adopted Standard Contractual Clauses (SCCs) on Clinical Trial Agreements,” Clinical Trial Agreements Conference (September 16, 2021)
- Quoted, “Exceptions to Breach Reporting Law Take Effect in California,” *Report on Medicare Compliance* (July 26, 2021)
- Co-presenter, “HIPAA Update: Right of Access Initiative, Summary of Proposed Rules, Pandemic Enforcement Discretion, and Recent Breach Settlements,” Association of Corporate Counsel (ACC) (April 6, 2021)
- Quoted, “Amid Pandemic, Health Apps Face Privacy Law Patchwork,” *Law360* (September 21, 2020)
- Quoted, “Call an (Online) Regulatory Expert: Telemedicine Faces Complicated Data Compliance,” *Law.com Legaltech News* (December 11, 2019)
- Co-presenter, “HIPAA – It’s Not Only About the Regulations: Lessons Learned from Recent OCR Guidance and Enforcement Actions,” Association of Corporate Counsel (ACC) (September 26, 2018)

Sectors

- Health Care & Life Sciences
- Innovative Technology
- Telemedicine & Digital Health

Practice Areas

- Cybersecurity
- Intellectual Property

- Privacy, Security & Information Management
- Technology Transactions, Cybersecurity, and Privacy

Education

- University of Iowa College of Law (J.D., with distinction, 2011)
    - Senior note and comment editor, *Iowa Law Review*
- University of Iowa, Henry B. Tippie College of Business (MBA, 2011)
- University of Iowa (B.S., highest distinction, 2007)

Admissions

- Wisconsin
- Massachusetts