

gunnercooke

The future of professional services



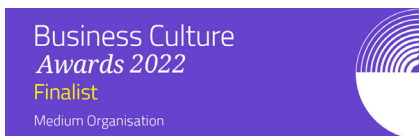
About gunnercooke

gunnercooke is a high-growth, high-performance professional services firm, with a rapidly growing number of experts spanning legal and other disciplines.

Our purpose is simple: to deliver positive impact for our clients, improve the lives of our people and to leave a better world than we found...

gunnercooke is the fastest growing corporate law firm in the UK and making its mark globally with offices in the US, Germany, CEE, Scotland and England. We are a team of more than 500 professionals, with the depth of experience which makes us genuine experts in our fields. Together, gunnercooke's people have strength across just about every corporate discipline and sector. We provide legal, commercial and strategic advice that delivers real value to the clients we work with, which span from multinational enterprises through to unicorns and not-for-profit organisations. Our breadth of expertise covers some of the most interesting and important emerging disciplines, from ESG and charity law, to blockchain and competition.

An Award-Winning Firm



“

Personal service, excellent knowledge.
Innovative and client-centric.”



Clients

“Privacy is the new tax”.

Our clients span diverse industries including law-firms, accountancy practices, retail, security, hotel chains, financial services and banking multinationals, pharmaceutical, international defence organizations, and medical entities.

Our clients from the encryption and technology industry include those developing new privacy technologies, and those wishing to exploit and leverage those technologies, including ZKP/SMPC developers, crypto-blockchain platforms and DAOs, mathematicians and those developing and using digital identities.

We have advised organizations of every level of maturity, and every business structure, from multinationals, to DAOs, start-ups, defence partnerships and more.

‘gunnercooke are an industry known legal heavyweight.’

‘The blend of sector expertise together with a personable approach is much talked of, but rare actually to find.’

The Legal 500

‘Its lawyers are experienced and value-adding advisers.’
‘They are very commercially astute.’

Chambers and Partners 2023

Your trusted advisor



Ash Costello

Privacy & Blockchain

Partner

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Ash is a dual qualified lawyer advising on both UK and US law, specialising in Privacy, Technology, and Crypto and Blockchain.

Her international and local perspectives enable her to offer strategic macro views, while ensuring local compliance and competitiveness. Her experience as Global Head of Legal at one of the largest funds administrators/custodians allows her to empathise with client objectives and provide commercially logical solutions.

Privacy Counselling and Advisory

The dynamic landscape of global privacy regulation requires constant vigilance, and regular client updates.

We advise on privacy laws including the EU's General Data Protection Regulation (GDPR), the UK's post-Brexit version of the GDPR, the California Consumer Privacy Act (CCPA), other privacy laws globally. We also advise on cross-border data protection, and how these regulations interact, and how they affect multinationals.

In addition to statutory requirements, businesses must also comply with the best practice guidelines and codes set out by any relevant regulator or industry body. Regulators include financial bodies such as the Financial Conduct Authority in the UK or the SEC in the USA.

Businesses rarely have to comply with just one privacy law, most businesses have clients and business interests across state and country lines. We factor in these data transfers across domestic and international borders when designing compliance strategies.

General Data Protection Regulation (GDPR and GDPR (UK))

The GDPR became effective in May 2018, requiring all businesses in the EU and any international businesses with EU based clients to design and implement sweeping data protection practices. Since 'Brexit', we assist clients with the 'UK GDPR', and the UK's Data Bill. We assist globally located clients in understanding the requirements of GDPR, and implementing compliant practices, including:

- Conducting gap analyses to quantify current information and data management practices; identifying the steps to GDPR compliance and industry best practices;
- prioritizing these steps for the business in question;
- designing a tailored compliance plan taking into account the relevant businesses risks and priorities.

Ad Tech

We advise businesses on the requirements of Ad Tech laws and self-regulatory rules across the EU and the US. We assist with examining existing marketing practices, and help design marketing strategies which comply with rules regarding cookies, email marketing and online marketplaces. This includes drafting notices regarding AdTech practices and data collection and sharing strategies, as well as responding to consumers choices.

Privacy Law and Technology Transactions

Typical technological agreements include SaaS, licensing, software, product distribution, cloud services, and master service agreements.

Negotiating parties need to conduct due diligence on data flows and data use, consider the resultant privacy risks within transactions, and account for these risks via privacy representations and disclosure schedules.

We work collaboratively with organizations during their design and build process to ensure their products and services are designed with privacy in mind.

We offer awareness of cutting edge privacy technologies such as zero knowledge proofs to facilitate data minimisation, and prevent future data breaches.

We advise on the implications of artificial intelligence, smart contracts, product liability, cyber security, and algorithmic bias.

Privacy and Corporate Governance

Privacy laws, in particular the GDPR, require data protection to be ingrained into a businesses' core practices, a concept called 'privacy by design'. This entails designing practices for accountability, reporting lines to senior management, the appointment of an independent data protection officer, and analysing any new or potential businesses practice, service or product to weigh its impact on any affected individuals. Privacy must be embedded into the organization's core governance. We assist senior management and corporate boards within organizations to develop their awareness of privacy requirements, and how to design and implement a privacy compliant corporate governance structure.

Internal Preparation and Data Breach Response

Breaches happen, despite best intentions, and it's important to know how to respond. We help clients develop strategies and procedures for how to react, who to notify and how to mitigate and repair any damage. We assess their incident response plans through practice routines. Following an incident, we help clients implement these procedures, and comply with their notification obligations.

Privacy

We help clients design and implement tailored privacy compliance programs to comply with their specific global and local privacy requirements.

This includes mapping dataflows, identifying their data-processing roles, understanding their responsibilities, conducting gap analyses, assessing data preservation and management practices, information and data governance, conducting vendor due diligence, identifying data risks, prioritizing and mitigating those risks and achieving privacy compliance in accordance with their prioritised risks.

We conduct privacy audits and global compliance programs and assist clients develop enterprise policies and procedures which comply with their local and global privacy obligations.

Ongoing compliance support includes aiding with data subject access requests, updating policies and procedures as business practices or regulations change, and conducting audits.

We aim for minimal business disruption while attaining compliance.

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Privacy compliance experience includes:

- Advising on data transfers, including standard contractual clauses (SCCs), international data transfer agreements (IDTAs), adequacy decisions, the EU-US Data Transfer Framework, the UK-US Data Bridge, and conducting transfer assessments.
- Providing day to day risk based advise on privacy laws, including GDPR, GDPR (UK), CCPA, and others.
- Advising on global data privacy developments including legislation, regulations and case-law, and advising of the need for compliance with new requirements.
- Privacy risk management, including identifying privacy risk, evaluating and mitigating risk.
- Reviewing and consulting on privacy aspects of new product features.
- Managing and supporting privacy process reviews and improvements, internal and external audits, and policy creation and implementation.

- Managing responses to user complaints and regulatory inquiries, engaging with regulators and other stakeholders regarding the compliance programme.
- Conducting privacy gap analyses and identifying, prioritizing and mitigating risks.
- Working with internal legal teams to ensure compliance with global Data Protection laws.
- Data-mapping and preparing ROPAs.
- Managing the Data Subject Access request process.
- Conducting DPIAs (Data Processing Interest Assessments).
- Conducting LIAs (Legitimate Interest Assessments).
- Drafting privacy procedures and policies for internal and external use.
- Data breach preparedness and incident responses.
- Staying abreast of evolving privacy regulatory landscape and conducting emerging market research.
- Drafting and revising privacy policies and procedures, website terms and privacy notices.
- Conducting training.

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Data Transfers

The movement of personal data and personal information across borders requires businesses to consider several elements, such as the laws regarding data protection in the receiving state or country, the existence of any officially authorised data transfer agreements between those countries and states, and the awareness by individuals that their personal data or information is being exported outside their own location.

We advise organizations on how to comply with any relevant requirements, including using standard contractual clauses and conducting data transfer impact assessments. We offer training on matters such as the EU-US Data Privacy Framework, the UK-US Data Bridge, EU Adequacy Decisions, EU Standard Contractual Clauses and International Data Transfer Agreements.

Privacy Enhancing Technology (ZKP, SMPC, Encryption)

Modern advances in encryption technologies have created a sea-change in technologies which enhance and enable privacy and data protection for organizations and individuals. These include Zero Knowledge Proofs (ZKPs), Secure Multi Party Computations (SMPC), holographic encryption, chaos encryption, 'salting and peppering', 'white noise', 'ring signatures', among others.

Zero Knowledge Proofs (ZKP), Secure Multiparty Computations (SMPC), hashing, and encryption are some of the cutting-edge developments in privacy enabling technologies.

Zero knowledge proofs enable a fact to be proven, without disclosing the underlying information.

Hashing is the process of anonymising or transforming a set of data into another value. Secure Multiparty Computation is a form of encryption which allows fragmented data to be processed, without the separate fragments needing to be joined or disclosed.

We advise our clients of these types of privacy techniques, and their typical use as privacy solutions.

We also advise the developers of these technologies of the privacy thresholds they need to qualify as 'anonymous' under privacy rules such as the GDPR.

By using these technologies properly, data is no longer personal data or personal information under GDPR or CCPA, and organizations therefore remove the risk of breach and achieve compliance.

Privacy in Blockchain

Blockchain and distributed ledger technologies operate differently to traditional technologies. They are, by definition, inherently distributed, and transparent. These two features are key to enabling the technological revolution we've seen over the past twenty years. However, these same features of transparency and distribution can pose challenges from a privacy perspective.

We have been working with some of the most groundbreaking entities to ensure that privacy is at the centre point of new developments and derivatives of blockchain and DLTs, and to assist older blockchains and DLTs to adopt off-chain solutions to ensure privacy compliance.

We have particular expertise in smart contracts, and examining smart contracts against privacy legislation and requirements. We have advised numerous DAOs on how to operate a globally transparent platform, while respecting privacy laws. Our researchers have contributed to numerous prestigious publications on Non-Fungible Tokens, DAOs, smart contracts and security.

Artificial Intelligence

“Artificial Intelligence” (“AI”) is computer technology which can learn, develop, reason and ‘think’. It analyses patterns and data, predicts expected future behaviour and can adapt

in anticipation of those future behaviour. It underpins the tech stack across numerous industries, and its scope and application are growing.

Organizations can incorporate AI into their own tech-stack by developing their own, licensing others’ or a combination of both.

Transactional considerations: The elements to consider in contracts involving AI include: risk allocation, the data being analysed by the AI, and the anticipated end-user. Parties to a contract must conduct appropriate due diligence on the AI involved, and how it will be deployed. These factors should then be negotiated in the clauses surrounding representations and warranties, indemnification and limitations of liability. Parties might want to take out insurance to mitigate any potential liabilities. Where consumers will be the end-user of the product or service, consumer protection measure should be incorporated. The ownership of the IP involved in the technology must also be negotiated, and how it will be licensed.

Privacy: Organizations deploying AI should consider the data the AI will gather, how its used, where it’s stored, and who can access it. Given the expanding body of privacy protection legislation globally, awareness of the data and incorporating protection and ‘privacy by design’ from the inception of the AI project is key to remaining within the scope of data privacy compliance.



Our difference

- *gunnercooke* partners are at the top of their game and leaders in their fields. 57% have worked in a Top 50 law firm and 21% are ranked in legal directories. Our people have the authority of experience, having faced complex situations throughout their careers.
- Our professionals join as self-employed advisors, free to design and develop their own practice with the aim of providing the best possible service to their clients.
- We offer a service guarantee and certainty of fees through the option of fixed costs.
- We have an Net Promoter Score (NPS) score of +91, 70 award nods and 45 rankings in Chambers and Legal 500.
- Collaboration runs through our business. All work is led by senior entrepreneurial lawyers, who are backed up by a global collective of specialists across every commercial discipline.
- We are passionate about recruiting the best talent into our organisation.
- Purpose is at the core of everything we do. We believe that we have a responsibility to not only look after our people and our clients, but to look beyond the square mile of our business at our wider communities.
- Group services include an Operating Partner practice, which offers experts in senior management consultancy, and a legal technology arm driving process innovation and efficiencies.

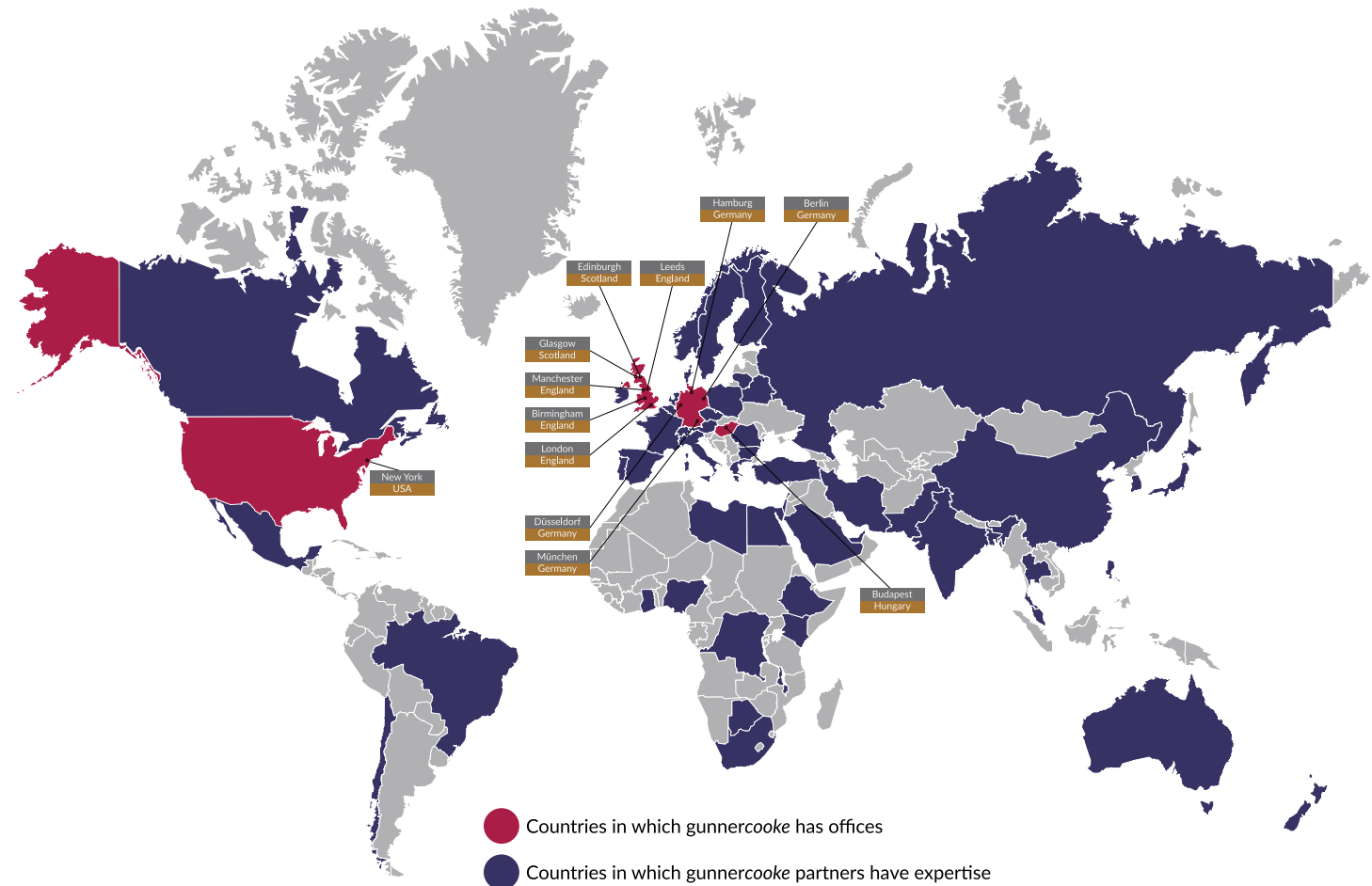


An international firm

Over the past decade, gunnercooke has grown into one of the leading fee share firms in the UK. We are now an international firm, with **12** offices globally including the US, Germany, CEE and Scotland, and with further plans for growth in the coming years. These offices have enhanced the existing in-house capability of our dedicated international teams and dual qualified experts that cover China and Hong Kong, Spain, France, Italy, Brazil and Portugal. Our team has experience working across **101** different countries, speaking **30** languages and are dual-qualified in **15** jurisdictions. Our expertise and reach see our multi-discipline teams regularly carrying out complex cross-border matters for major international clients.

Dedicated teams across:

- Germany
- New York
- China & Hong Kong
- Spain
- France
- Italy
- Brazil
- Portugal
- Scotland



A multi-disciplinary, full-service practice

Corporate & Banking	Real Estate	Dispute Resolution	Private Client	Transport Group	Employment & Pensions	Intellectual Property	Tax
Treasury & Derivatives	Engineering	Business Crime	Family Law	Aviation	Tribunals	Data Protection	HMRC
Capital Markets & Structured Finance	Infrastructure	Civil Fraud	Wills and Probate	HNW	Immigration	Trade Marks	Business Tax
Project Finance	Commercial Real Estate	Cost & Funding	Charity and Philanthropy	Infrastructure	Pensions	IT	Business Investigation
Commercial Contracts	Real Estate Finance	Insolvency Disputes	Trusts and Estates	Ports and Marinas	TUPE		
International Trade Finance & Commodities	Planning	Mediation		Rail			
Competition & Antitrust	Construction	International Arbitration		Shipping			
M&A		Insurance and Reinsurance					
Private Equity		Property Litigation					
Restructuring & Insolvency		Mines and Minerals					
Blockchain & Cryptoassets		Waste & Energy					
		Environmental Law					

“

Personal service and going beyond the call of duty to get deals done make gunnercooke an outstanding legal partner. A refreshing change to the legal profession.”

“The gunnercooke approach to the service needed is to find the best suited person to deal with instruction and then agree a sensible fee basis.”

Our group

Additional group services are designed to strengthen and enhance the core legal offering.

gunnercooke Operating Partners are professional services consultants made up of experienced leaders and operators. The team creates capability and bandwidth to get the critical projects done. They work across various sectors, with a specific focus on manufacturing, support services, construction, retail e-commerce and business services.

www.gunnercookeop.com

gunnercooke Legal Tech provides the global *gunnercooke* network and its clientele with state-of-the-art legal tech solutions. The team offers a comprehensive set of services, including consulting, software development, implementation support, resourcing and data analytics.

gunnercooke | FOOTBALL

gcTrustees



the gunnercooke foundation



As a leading firm, with a growing global presence, we have a responsibility to not only look after our people and our clients, but to look beyond the square mile of our business at our wider communities. A key part of our vision and purpose is to 'create a better world than we found'. We believe that businesses possess all of the tools, networks and resources to help solve the world's problems. And we believe that by working together, we can 'do good faster'. Our charitable arm, the gunnercooke foundation enables us to directly engage with communities on social issues.



We work with the CEOs of more than 100 small to medium sized not-for-profits. We help them to develop as leaders and in turn grow their impact.

We do this for free, via a well established peer support network and access to expert mentoring, connections and resources.



Our Business For Good Programme helps not-for-profits to create a synergistic social enterprise which is profit generating and which makes their organisation more sustainable and less reliant on external funding. This is achieved with the specialist support and guidance of our gunnercooke Operating Partners and Coaches.



HOUSE OF
BOOKS & FRIENDS

Manchester-based *House of Books & Friends* is our Community Interest Company, profits and daily activities all centre around addressing social isolation and loneliness. We work with a whole range of charities and partners, both public sector and corporate to encourage, build and rebuild communities. We aim to have a bookshop in every gunnercooke office location.



Our 1+1 programme ensures that for every young person who gets the opportunity to undertake work experience at gunnercooke because of who they know, we give an equal opportunity to another who is trying to build their network. The support extends beyond the completion of the internship as they become part of our 1+1 alumni group.

gunnercooke

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