KING & SPALDING

Scott Ferber

Partner
Data, Privacy and Security

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As a Partner in the firm's Data, Privacy and Security practice, Scott leverages his extensive experience as a former federal prosecutor and in senior leadership at the U.S. Department of Justice (DOJ) to counsel clients on the full range of privacy and security issues created by global data collection, use, storage, and transmission.

Scott advises multinational businesses in jurisdictions across the U.S. and E.U. on data privacy and security governance, including conducting top-down, enterprise-wide risk assessments, global privacy statutory and regulatory readiness and compliance, cross border data flow management, employee data management, vendor management, launching new practices through prepared training modules, and developing and deploying compliance playbooks. Scott also assists clients bring to market compliant applications and products that collect personal, financial, and other sensitive information; formulate and advance government advocacy strategies for privacy and data security related issues; prevent, prepare for, and respond to malign cyber activities; respond to inquiries and investigations by state and federal authorities; defend against privacy-related, multi-state class action lawsuits and state attorneys general matters; and manage regulatory and third-party notifications stemming from data breaches and unauthorized access issues. Scott is publicly recognized as a go-to authority on technology, privacy, and data security issues.

Scott has over 20 years of litigation and investigative experience. Prior to rejoining King & Spalding, Scott held senior positions at the U.S. Department of Justice (DOJ). Most recently, Scott served as Counsel for Cyber Investigations at DOJ's National Security Division (NSD), where he developed and led national security investigations involving international cyber threats and economic espionage. In that position, he advised federal prosecutors, law enforcement agencies, and the intelligence community on cyber matters affecting national security and foreign relations, and he coordinated and conducted private sector outreach on cybersecurity.

Before NSD, Scott was Associate Deputy Attorney General at DOJ, providing counsel directly to the Deputy Attorney General and Attorney General on a range of significant legal, legislative, policy, and programmatic matters, with special emphasis on cyber and national security. Scott was DOJ's lead attorney on White House and interagency policy groups addressing cyber incident response, cyber legislation, and national security issues.

Scott also served as an Assistant U.S. Attorney in Atlanta, where he was the office's Computer Hacking/Intellectual Property Coordinator, tried numerous jury trials, and briefed and argued

multiple cases before the U.S. Circuit Court of Appeals.

While at DOJ, Scott investigated and prosecuted a wide array of criminal and national security cases, including involving international cyber threats, economic espionage, the illegal export of military and strategic commodities, fraud, public corruption, and money laundering.

Before DOJ, Scott was an associate with King & Spalding. He previously served as an Assistant District Attorney at the Manhattan District Attorney's Office.

Matters

Prosecuted the developer and major distributor of SpyEye, a prolific malware banking Trojan, which was used by a global syndicate of cybercriminals to infect over 50 million computers, causing close to $1 billion in financial harm to individuals and financial institutions around the globe

Conducted global investigation into multi-year, foreign state-sponsored hacking campaign targeting international anti-doping and sporting organizations, culminating in the 2018 indictment of multiple foreign intelligence officers

Credentials

EDUCATION
J.D., The Ohio State University, with honors
B.A., University of Michigan, with honors

ADMISSIONS
U.S. Court of Appeals for the Eleventh Circuit
U.S. District Court for the Eastern District of New York
U.S. District Court for the Southern District of New York
U.S. District Court for the Southern District of Ohio
U.S. District Court for the District of Colorado
U.S. District Court for the Northern District of Georgia
District of Columbia
Georgia
New York
Ohio

Recognition

Recipient of the Director's Award for Superior Performance by a Litigative Team
EOUSA DIRECTOR, 2017

Recipient of the Assistant Attorney General's Award for Distinguished Service
ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION, 2015

Recipient of the Inspector General's Collaboration Award
DOJ INSPECTOR GENERAL, 2015

Insights

CLIENT ALERT

October 12, 2020
Ransomware: To Pay or Not to Pay?

October 1, 2020
The "Improving Digital Identity Act of 2020" Presents Bipartisan Digital Identity Infrastructure
Reform

FEATURE
January 22, 2021
General Counsel Internal Investigations Decision Tree for the Technology Industry

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Events
WEBINAR
October 7, 2020
11th Annual ACC CLE Jamboree

June 4, 2020
Third-Party Liability for Cyberattacks in the Financial Services Industry

May 27, 2020
Cybersecurity and Privacy Webinar Mini-Series Part 3: Data Privacy and Security Risk
Management: Securing the Enterprise and Beyond

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News
CASES & DEALS
January 29, 2021
Axium Infrastructure to Acquire UPPCO

August 3, 2020
Global Payments Inc. Completes Cloud Migration Deal with Amazon Web Services

IN THE NEWS
December 17, 2020 • Source: Law360
Scott Ferber discusses the Biden administration's possible approach to to a cyber espionage
campaign that has breached U.S. federal agencies

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