

# Information Technology Law

## Guide to IT Law

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### What is Information Technology Law?

Information technology law provides the legal framework for collecting, storing, and disseminating electronic information in the global marketplace. Attorneys practicing in this area of the law represent individuals and businesses from all different industries. They help structure information technology transactions in a way that maximizes the client's economic benefit while ensuring regulatory compliance. A great deal of emphasis is also placed on anticipating potential sources of dispute between the parties to a transaction, and crafting agreements that address these concerns, thereby reducing the risk of litigation.

When disputes arise in the field of information technology that cannot be resolved outside of the court system, a lawyer specializing in these types of cases can prove a powerful advocate compared to a general legal practitioner. Information technology law firms tend to hire lawyers with practical experience working in the industry prior to entering the legal profession. With such a background, a lawyer is more effective at explaining technical concepts to a judge or jury, and he or she will likely have contacts within the industry that make finding consultants and expert witnesses less difficult. Clearly, information technology law is a niche practice. Those looking to hire an attorney should bear this in mind.

### Software Licensing Issues

Businesses often change or update their operating software in an effort to keep pace with technology. Switching software programs can lead to greater profitability, but it can also present any number of legal pitfalls for unsuspecting business managers. For example, a typical software licensing contract will contain provisions relating to performance warranties, installation and troubleshooting, user training, limited liability and indemnification of the vendor, infringement disclaimers, payment and finance terms, and more. Despite the complexity of these agreements, some software company representatives purposefully wait to provide a copy until shortly before the sale closes.

Owners and managers who find themselves presented with a licensing agreement that they do not completely understand should resist pressure from the sales representative to sign the document with little or no time for meaningful review. Any "deadline" imposed by the vendor is likely nothing more than a high pressure sales tactic. There is simply too much at stake in the event the software fails to meet the needs of the business. The wisest course of action is to demand additional time, and hire an information technology attorney to analyze the contract and to point out terms that should be negotiated.

### Data Privacy and Security

Much of the litigation that occurs in the field of information technology results from enterprises failing to keep customer and employee information secure. Now that it is primarily stored in digital format, sensitive information is susceptible to theft on a scale unimaginable in previous generations. Hackers and other cyber criminals routinely target financial institutions, e-commerce websites, and ordinary businesses, sometimes gaining access to thousands of customers' data all at once. This can lead to various legal claims, from government enforcement actions to class action consumer lawsuits.

Companies that have any presence on the internet should act proactively to avoid these problems. Information technology lawyers are available to audit security systems and policies, and to recommend any necessary changes. If a breach has already occurred, an experienced legal team can represent companies in investigations by the FTC or state attorneys general, and defend against civil litigation brought by private parties. Data privacy and security issues can arise at any time. To succeed in today's business environment, it is critical to stay ahead of the curve and make safeguarding digital information a priority.

## **Electronic Signature Laws**

Another growing area of concern for many businesses involves electronic signatures. Like digital storage, electronic signature software has the potential to dramatically streamline operations for businesses willing to embrace new technology. At the same time, care must be taken to avoid compromising sensitive customer data and/or violating government regulations on the subject. With respect to electronic signature laws, business owners should be aware of at least the following two pieces of legislation: the Uniform Electronic Transactions Act (UETA), and the Electronic Signatures in Global and National Commerce Act (ESIGN).

Nearly every state has adopted UETA in some form, while ESIGN was passed at the federal level. Together, these laws allow companies to replace traditional paper signature documents with electronic forms. Customers can agree to contractual terms with the click of a computer mouse, speeding up the turnaround time for a transaction considerably. However, UETA and ESIGN require businesses that use electronic signatures to comply with rules relating to customer consent disclosures, record retention, and document reproduction capabilities. Again, engaging an attorney to conduct a compliance review in this area is highly recommended.

## **Information Technology Attorneys**

If you conduct any type of business activity online, there are information technology laws affecting you, whether you realize it or not. You need to know if your current practices are exposing your business to potential liability. To learn more, contact an information technology lawyer today.

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### [L&I Claim for Janitors, Security Guards and Housekeepers: Protecting Employees That Work Alone in Washington State](#)

There are many work environments where employees and contractors work alone. Unfortunately, these professions and workplace settings have higher risk of work injury or assault.

### [U.S. Supreme Court Says Act Doesn't Authorize FTC to Recover Equitable Monetary Relief](#)

The United States Supreme Court recently held that Section 13(b) of the Federal Trade Commission Act's permanent injunction language did not authorize the FTC directly to obtain court-ordered monetary relief. The language in that section referred only to injunctions—the language and structure of § 13(b), taken as a whole, indicated that the words permanent injunction had a limited purpose which didn't extend to the grant of monetary relief.

### Peloton Concedes to Recall Treadmills After a Child Dies

When the Consumer Product Safety Commission (CPSC) first issued its urgent warning to consumers to stop using Peloton's Tread and Tread+ treadmills last month, Peloton refused voluntarily to recall its products. The company even went so far as to call the CPSC's warning "inaccurate and misleading". However, in response to the whirlwind of negative publicity surrounding 72 reported injuries and the death of one child who were pulled or pinned under Peloton's Tread+ treadmills, the company is now complying with the CPSC by recalling approximately 125,000 units. Peloton is also recalling a small amount of its Tread treadmills in response to other user concerns.

### Real Property Title Related Claims Like Quiet Title and Slander of Title in Florida

Quiet title is a claim under Florida law to remove a cloud on title to real property. It is established in and regulated by Chapter 65 of the Florida Statutes. It is often used where a party records an improper lien or claim against the ownership of real property. Slander of title is used to obtain damages flowing from a lien or claim that was wrongfully recorded against the title.

### Who Is Liable If Minors Get Hurt in Pennsylvania?

Each year, accidents injure thousands of children seriously enough to require a visit to the hospital emergency room. Studies indicate that the majority of pediatric personal injuries are due to falls or being struck by objects. Fortunately, most children are treated and released because their injuries are minor. Others suffer serious complications or lasting disability, often from no fault of their own. If a child is seriously injured on someone else's property, the parents may have legal basis for filing a premises liability claim to pay for damages. However, claims involving minors can be complicated. An experienced premises liability lawyer will be able to represent injured minors and can explain options for pursuing legal action.

### New York Passes Merchant Cash Advance Regulation Requiring Transparency & Disclosures

Commencing January 1, 2022: "New York State Adopts Truth In Lending (TILA) – Like Disclosure Law for Business Loans, including Merchant Cash Advance and Purchase of Future Receivables." This article will endeavor to explain the new law and all it entails, while simultaneously providing macro context to why the law has been enacted.

### Work Injury for Bus Drivers: L&I Issues a New Warning in Washington State

In my experience, many bus drivers suffer from upper extremity work injury and occupational disease. There are many reasons for these types of workplace injury and industrial illness. In fact, top causes include applying force (in the arms) to drive the bus and repetitive arm movements to operate bus functions. On top, other reasons include miscellaneous activities that relate to bus maintenance.

### What Will I Receive If I Win a Maryland Personal Injury Case?

The prevailing party in the typical personal injury case in Maryland is entitled to recover compensatory damages.

### Sentencing Advocacy in Federal White Collar Criminal Cases

The evolution of federal sentencing in white collar crimes has shifted consistently in the direction of harsher sentences. In particular, amendments to the Federal Sentencing Guidelines in recent years have resulted in higher sentencing ranges for economic crimes. While federal judges are willing to resist the harshness of the sentencing guidelines in white collar cases, they are often frustrated from doing so because they are not provided with the information they need during sentencing. This article discusses the most important factors and types of information that federal criminal defense attorneys should focus on to obtain the most favorable results in white collar criminal cases.

### Everything You Need to Know to Bring & Succeed in a Defamation Lawsuit

A defamation lawsuit is a type of civil lawsuit in which the victim sues a defendant for defamation, a false statement made to a third party that causes damage to another person or business's reputation.

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