

# Personal Liability and Risk Management for Compliance Officers and Privacy Officers



6th Annual  
*National Congress on  
Health Care Compliance*

February 6, 2003

*presented by:*

**Karen Owen Dunlop**  
**SIDLEY AUSTIN BROWN & WOOD**  
10 S. Dearborn  
Chicago, Illinois 60603

# *Personal Civil Liability*



**Statutory**



**Common Law**



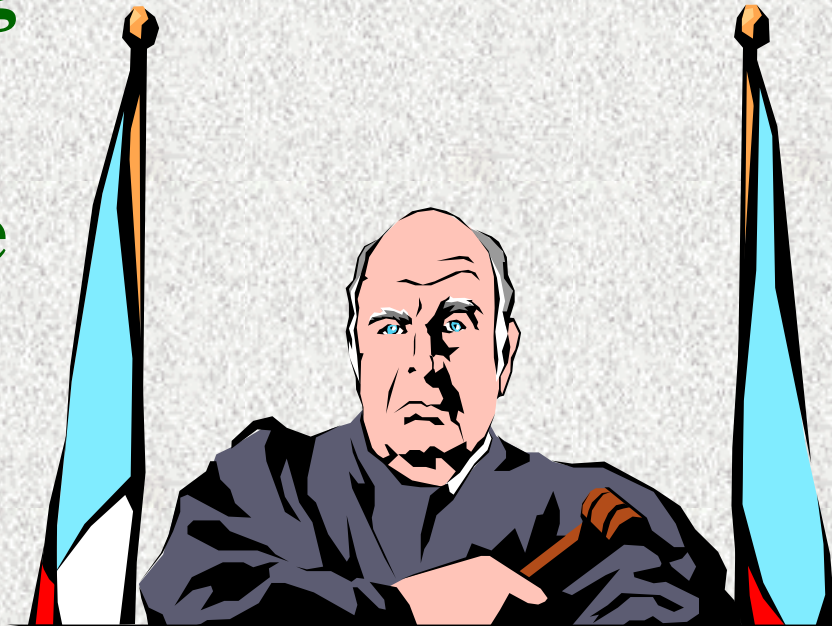
## ***Personal Civil Liability***

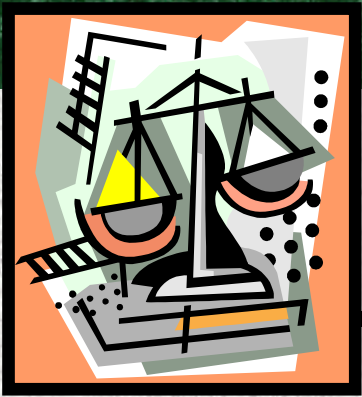
- ⇒ **Purposeful Acts**
- ⇒ **Negligence**
- ⇒ **Failure to Supervise**



# ***Personal Criminal Liability***

- ✦ **Direct Participation**
- ✦ **Aiding and Abetting**
- ✦ **Failure to Supervise**





◆ Trends in  
State Prosecutions





## ◆ Trends in Federal Prosecutions



## ***Risk Management***

### ◆ **Legal Risks**



© 1998 Hasbro, Inc.  
All rights reserved.

## ***Risk Management***

### **◆ Reputational harm**

THE WALL STREET JOURNAL

© 1998 Hasbro, Inc.  
All rights reserved.



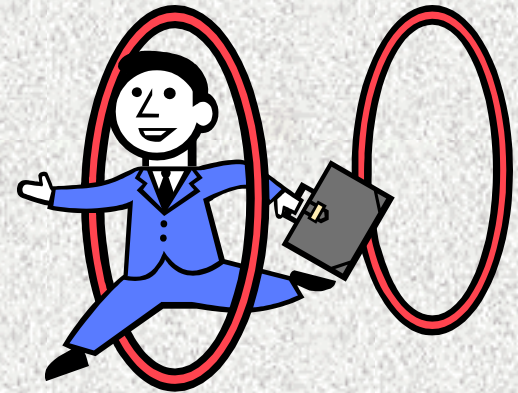
**Firm Tracking Consumers on Web for Drug Companies**

**The New York Times**  
ON THE WEB



## ***Risk Management***

### ◆ **Battle for Consumers' Trust**



## ***Risk Management***

### ◆ **Common Sense:**



***Do Unto Others...***



**For More Information, Contact**

**Karen Owen Dunlop**

**SIDLEY AUSTIN BROWN & WOOD**

10 S. Dearborn • Chicago, IL 60603

Phone 312•853•2223 Fax 312•853•7036

E-mail: [kdunlop@sidley.com](mailto:kdunlop@sidley.com)

BEIJING

CHICAGO

DALLAS

GENEVA

HONG KONG

LONDON

LOS ANGELES

NEW YORK

SAN FRANCISCO

SHANGHAI

SINGAPORE

TOKYO

WASHINGTON  
D.C.