



"Giving" Advice



Ruling: Lawyers Not Required to Send Privacy Notices to Clients

Copyright 2005 Gale Group, Inc.
All Rights Reserved
ASAP
Copyright 2005 Dolan Media Company
Lawyers Weekly USA
December 19, 2005
ISSN: 1069-7837
139939746
1117 words

Byline: Reni Gertner

Lawyers who handle financial information are not required to send privacy notices to their clients, the D.C. Circuit has ruled in affirming a U. S. District Court.

This is the first circuit to rule on this issue, which has been of concern to attorneys nationwide.

Under the Gramm-Leach-Bliley Act, a 1999 banking reform law, "financial institutions" that handle clients' personal financial information must send out an annual privacy notice detailing their privacy policies and providing clients with a nondisclosure or "opt-out" option. Failure to comply with this requirement can lead to fines of up to \$10,000.

Questions immediately arose as to whether the rule applied to attorneys, especially those who offer real estate conveyancing services, estate planning, personal bankruptcy or tax advice.

In 2002, the ABA requested an exemption from the statute for attorneys, but the Federal Trade Commission denied the request, claiming that it lacked the authority to grant the exemption.

The ABA and the New York State Bar Association then filed separate actions for declaratory judgment, asking the court to rule that the privacy provisions of the Act didn't apply to lawyers.



**TOLEDO COMMUNITY
FOUNDATION**
608 MADISON AVE
SUITE 1540
TOLEDO, OHIO 43604-
1151

419-241-5049
[TCF - "GIVING" ADVICE
NEWSLETTER](#)

ABOUT YOUR FOUNDATION

Since 1973, the **Toledo Community Foundation** has provided individuals, families and businesses interested in the well-being of our community with an *efficient, effective, low-cost, professionally managed* mechanism to achieve their charitable goals.

For philanthropists wishing to