



**Michelle A. Schaap, Esq.**

*Member, Privacy & Data Security and Corporate & Securities Groups*

Chiesa Shahinian & Giantomasi PC

Michelle A. Schaap, founder of Chiesa Shahinian & Giantomasi PC's Privacy & Data Security Group, regularly advises on cybersecurity preparedness, counsels when data security incidents arise and trains companies on best practices for security procedures addressing both their business operations and their customers' concerns. Michelle assesses risk management practices and security incident preparedness in developing proactive security incident response and recovery plans.

Michelle further advises clients on their legal mandates under applicable privacy legislation and best practices; assists clients in the vetting of vendors that process confidential and personal data on behalf of clients; and guides clients in understanding guidelines for privacy and cybersecurity imposed by their customers.

Additionally, she works with clients in contract drafting, negotiation and review, including online undertakings, in critical areas of privacy and security.

Michelle counsels clients on incident and breach response – often serving as quarterback to the incident response team, working closely with her client's senior executives, forensics, law enforcement, insurance advisors and other critical members of the team.

She is a Certified Information Privacy Professional, awarded from the International Association of Privacy Professionals, with a concentration on U.S. private-sector law (CIPP/US), and earned her certification on Cybersecurity: Managing Risk in the Information Age from Harvard in association with HarvardX and Cybersecurity and Privacy from Mitchell Hamline School of Law. Michelle is a subject matter resource on cybersecurity and privacy for the New Jersey Small Business Development Corporation. She is a sought after speaker and has authored numerous articles to educate business owners on privacy and cybersecurity risks and obligations. Michelle is also an adjunct professor at Fordham Law, teaching Privacy and Cybersecurity: Legal Frameworks and Compliance Strategies.

**Matters**

- Counsel clients on incident and breach response
- Counsel clients on cybersecurity policies and procedures
- Training clients on cyber-mindfulness

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- Non-technical risk assessments
- Represents clients to develop incident response plans and conducts tabletop exercises
- Contract audits for clients regarding cybersecurity and related undertakings
- Website terms and conditions and privacy policies
- Negotiation of the sale of an independent website to a major publishing house (\$3 million)
- Sale of a software developer to a major technology rollup entity (\$60 million)
- Licensing agreements
- Draft and negotiate website development and hosting agreements
- Negotiation of non-disclosure and non-circumvention agreements

Prior to joining the firm, Michelle served as in-house counsel to Toys “R” Us, Inc. from 1991 to 1996. She also worked in Japan for several years as a foreign associate with the Tokyo-based firm of Hamada & Matsumoto (now Mori, Hamada & Matsumoto).

## Insights

- Companies Urged To Stay Vigilant With Cybersecurity Practices Due To Concerns About Russia-Based Cyber Attacks
- Fund Managers and Investment Advisors May Soon, by Federal Regulation, be Required to Have Documented Cyber Risk Management Programs
- *United States Cybersecurity Magazine*: Patchwork State Privacy Legislation vs Federal Law: Small and Midsize Businesses Would Benefit from One Clear Path
- *NJBIZ*: A perfect storm for hackers; Remote work conditions mean more opportunity for cybercrime say experts
- Kaseya Ransomware and Impacted Customers: Updates from Kaseya
- *CIANJ Guest Blog*: Biden’s Executive Order Presents New Cybersecurity Standards for Government Agencies and Their Software and Cloud Providers
- *NJBIZ*: How Biden’s executive order on cybersecurity will affect New Jersey businesses
- QuBit Conference: Cyber extortion and ransomware: How to confront this challenge?
- Seton Hall University School of Law: The Duty of Technological Competence and Other Ethical Issues Relating to Technology and Law Practice
- *CIANJ*: Cyber-Security: Be Prepared! A Non-Technical Guide to What Every Manager/Owner Should Know
- *ROI-NJ*: Increasing number of biometric data protection laws and their impact on N.J. businesses
- *NJBIZ*: Panel – 90% of cyber attacks are occasioned by human error, and they’re on the rise
- Biometric Data Protection Laws – Coming to a Jurisdiction Near You
- *NJBIZ*: Cybersecurity Panel Discussion

- [Strafford: Construction Contracts and Augmented Reality – Ownership, Breaches, Allocation of Liability, Cyber Insurance](#)
- [Women’s Leadership Committee of NJWLA: Lawyering Skills for Associate Success](#)
- [Celesq: What is Authorized Access and How Do Employers Deal with Misuse of Access Credentials Post-Van Buren vs United States](#)
- [Legal Resource Network: Cyber Security for Law and Accounting Firms](#)
- [First, There Was The New York Shield Act, and Now...The New York Biometric Privacy Act?](#)
- [Managing a Remote Workforce – Focusing on Technology Issues](#)
- [CIANJ Guest Blog: The SolarWinds Breach – What We Know Now and What Businesses Can Do to Protect Themselves](#)
- [COMMERCE MAGAZINE: Liability Issues Associated with Automation, Robots and AI](#)
- [APICS Greater North Jersey Chapter: Cybersecurity – An Update to Keep You and Your Company Safe & Compliant](#)
- [New Jersey Law Journal: Exceeding Authorized Access Under the Computer Fraud and Abuse Act](#)
- [CISA, FBI and HHS Warn of Imminent Ransomware Threat to Hospitals and Healthcare Providers](#)
- [California Legislature Votes to Extend Key CCPA Exemptions Until 2022](#)
- [Mid Atlantic Real Estate Journal: Cybersecurity and data protection should not be an afterthought for design professionals](#)
- [LIFRS/CSG – Giving Diligence its Due: Timeless Strategies for Surviving Change](#)
- [No More Safe Harbor...Take Two: Immediate Invalidation of Privacy Shield](#)
- [ISEA 2020 Summit Series – Connected Workers: The Legal and Regulatory Landscape](#)
- [America’s SBDC New Jersey: Cybersecurity for Small Businesses](#)
- [New Jersey Women Lawyers Association: When the Dust Settles, Where Will Your Data Reside?](#)
- [Marcum LLP: Third Party Vendor Risk During the Pandemic](#)
- [SobelCo: Cyber Security and Fraud Vulnerability During a Pandemic](#)
- [OneTrust: CCPA & GDPR Online Event](#)
- [The Life of a Data Breach: The “Gift” That Keeps on Giving](#)
- [ConstructionDive: The Dotted Line: 4 ways to interpret construction contracts amid coronavirus](#)
- [COVID-19 Scams, Frauds and Misinformation: Do Not Let Fear and Isolation Allow You to be Phished](#)
- [Privacy Laws, Duty to Warn and Communication Considerations Concerning COVID-19](#)
- [Practical considerations for employers as their workforce goes remote amid COVID-19 outbreak](#)
- [American Bar Association's Fidelity & Surety Law Committee's 2020 Midwinter Conference](#)

- *ConstructionDIVE*: Skanska selects third-party cybersecurity firm
- NJCPA Technology and Cybersecurity Update
- SheLeads Tech Event
- Not in California? Here's Why the CCPA Should Still Be on Your Radar
- The Long Reach of New York's Shield Act
- The Pros and Cons of Online Meeting Platforms
- *COMMERCE Magazine*: Cyberspace: Protecting Data is Serious Business
- *ConstructionDIVE*: How can and should data from construction wearables be collected?
- Changes to AIA Contract Documents - What Construction Lawyers Need to Know
- Cybersecurity Panel - What Should Keep You Up at Night?
- NJSBA Real Property Trust and Estate Law Section Newsletter: Cybersecurity Considerations in Real Estate Transactions
- States Across U.S. Rush to Implement Data Privacy Regulations
- Amendment to Breach Statute
- *NJBIZ*: An evolving threat - even small businesses have to worry about cybersecurity
- Wipro Breach: What to do now Changes to AIA Contract Documents - What Construction Lawyers Need to Know
- Responding to, and managing the risk of, the inevitable data breach
- *Popular Science*: How to keep your 'vintage' tech alive
- Cybersecurity and Career Paths for Women in the Profession
- Cyber Security and Opportunity Zone Investing
- Biometrics: A Data Analytics Treasure Trove or a Lawsuit in the Making?
- *Law360*: What Construction Attorneys Must Know About Virtual Reality
- Understanding New Tech for Corporate and Business Lawyers
- *ConstructionDIVE*: The Dotted Line: Mitigating the risks of technology
- Pennsylvania Supreme Court Ruling Opens Floodgates on Cybersecurity Lawsuits
- Wise Women@Work Podcast: Michelle Schaap from CSG Talks About Her Career in Law and Cyber Security
- Whether offering Cyber Monday discounts, soliciting year-end charitable donations or marketing your business online, your website policies and terms matter!
- *Law360*: What Construction Attorneys Must Know On Information Modeling
- Ten tips for cyber mindfulness and data security (even on a limited budget)
- Protecting Your Trade Secrets from Cyber Threats
- *Law360*: A Construction Attorney's Road Map For Automated Vehicles
- *ConstructionDIVE*: The Dotted Line: What contractors need to know about arbitration
- *ConstructionDIVE*: Former MTA Construction Manager Fined, Sentenced to Prison on Bribery Charges
- *ConstructionDIVE*: Survey: Small Construction Companies Lukewarm on Tech Investment
- Proposed New York Legislation: Cybersecurity Is Not Just an Issue for Financial Services and Insurance Companies

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- Changes to AIA Contract Documents - What Construction Lawyers Need to Know
- *Equipment Leasing Newsletter*: Cybersecurity in Commercial Equipment Leases
- *Journal of Equipment Lease Financing*: Cybersecurity - The Increasing Obligations and Exposure in the Age of State Regulation
- *ConstructionDIVE*: The Dotted Line - How Force Majeure Contract Clauses Can Plan for the Unexpected
- *Construction DIVE*: The Dotted Line - What Contractors Need to Know About the AIA's 2017 Contracts Revamp
- WannaCry Explained
- *NJBIZ*: Badge of Honor - Cybersecurity Company Comodo is Proud to Have Frustrated the CIA into a Rude Remark
- *NJBIZ*: Computer Viruses Can Cost Organizations. But Ransomware Can Cost Them in More Than One Way. Running a Successful Solo or Small Firm
- Connected Medical Devices IoT - Impact to Patient Safety
- Cybersecurity Concerns for Businesses
- New York State Cybersecurity Regulations Regarding Cyber and Data Privacy Obligations Applicable to Banking, Insurance and Financial Services
- *ConstructionDIVE*: Digging up Delays: How to Handle Unexpected Archaeological Finds on the Job Site
- *NJBIZ*: Triple Play Cybersecurity Tips
- *Real Estate Forum*: Big Data is a Big Deal for Real Estate
- *GlobeSt.com*: How Should the Industry Approach Cybersecurity?
- *GlobeSt.com*: Cybersecurity's Role in Commercial Real Estate

## Honors

- *NJBIZ* Leaders in Law, Privacy (2021)
- CIANJ, Best Practices Award (2019)
- *The Best Lawyers in America*®, Privacy and Data Security Law (2020-2022)
- *New Jersey Law Journal's* 2018 Top Women in the Law (2018)
- Leading Women Entrepreneurs & Corporate Leaders of New Jersey Honoree (2017)
- *Corporate Insider* Excellence in Technology Law Award - New Jersey (2017)
- Professional Lawyer of the Year Award – New Jersey Commission on Professionalism in the Law (2017)
- Best 50 Women in Business, *NJBIZ* (2011)
- Martindale-Hubbell AV® Preeminent™ Rating

## Involvement

- Fordham University, Adjunct Professor (2022)
- American Bar Association
- Essex County Bar Association
- The Fellows of the American Bar Foundation
- International Association of Privacy Professionals, KnowledgeNet Chapter Chair

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- New Jersey Business and Industry Association, Information Technology Committee (2016-2017)
- New Jersey State Bar Association
- New Jersey Women Lawyers Association (Nominations Co-Director, 2020-2021; President, 2018-2019; President Elect, 2017-2018; Vice President, 2016-2017; Chief Financial Officer, 2015-2016; Former Co-Chief Operating Officer, 2013-2015)
- Women Presidents Organization
- NJ LEEP, Mentor

## Education

- International Association of Privacy Professionals (Certified Information Privacy Professional, 2019)
- Mitchell Hamline School of Law (Cybersecurity and Privacy Law Certificate, 2016)
- New Jersey Institute of Technology (Certificate in Construction Management, 2009)
- Rutgers University School of Law - Newark (J.D., 1987)
- Cornell University (B.A., *cum laude*, 1984)

## Bar & Court Admissions

- New Jersey