Cooley

Inundated With Requests Under New Jersey's Daniel's Law?

February 12, 2024

A flood of class action lawsuits have been filed against companies alleging violations of New Jersey's Daniel's Law. The statute – enacted after the son of a New Jersey federal judge was fatally shot by a disgruntled lawyer – is designed to protect judicial officials, law enforcement officers, child protective investigators and their immediate family members (described in the statute as "covered persons") from the unauthorized disclosure of certain personal information. Over the past few days, plaintiffs' attorneys have filed more than 100 complaints in New Jersey state court on behalf of covered persons, asserting that the defendant companies failed to fulfill nondisclosure requests made by the plaintiffs. Defendants in these cases have received up to 20,000 nondisclosure requests from allegedly covered persons (who ostensibly have assigned their claims to "Atlas Data Privacy Corporation," a named plaintiff).

Under the New Jersey law, companies that disclose on the internet or "otherwise make available" the **home addresses or unpublished telephone numbers of covered persons** are required to cease making such disclosures within 10 business days after receiving notice from a covered person or their authorized agent. Although the law originally gave courts discretion in awarding actual damages or $1,000 in liquidated damages, under a 2023 amendment, New Jersey courts are required to award "actual damages, but not less than liquidated damages computed at the rate of $1,000 for each violation" of the law. The plaintiffs in these suits are seeking substantial damages – the greater of actual damages or $1,000 in statutory liquidated damages per violation per defendant – as well as punitive damages for alleged willful or reckless violation of the law and attorney fees. **As such, potential exposure (assuming 20,000 violations – one per covered person) is at least $20 million plus punitive damages and attorney fees.**

If your company has received nondisclosure requests (like the one below), we recommend the following steps that can help you ascertain and mitigate your risk:

- Look for deletion requests related to Daniel's Law. The plaintiffs have largely been using the same template language. Here is a sample:

Data Subject Request - Redaction/nondisclosure Request

To [redacted]
From [redacted]@atlasmail.com>
Date Sun, Dec 31, 2023 5:48 PM UTC-0500

[redacted]
December 31, 2023

To Whom It May Concern:

I am a "Covered Person" as defined by New Jersey law P.L. 2023, c.113, P.L.2021, c.371 (as amended, the "Act"). Pursuant to the Act and Section 3 of New Jersey P.L.2015, c.226 (C.56:8-166.1) (as amended), I hereby request that you not disclose or re-disclose on the Internet or otherwise make available, the following protected information:

Name: [redacted]

Home Address: [redacted]

Sincerely,
[redacted]

- Entities receiving these requests have 10 business days to satisfy them after receiving notice from the covered person or their agent. **As such, if you are still within the 10-business day time frame, we recommend taking steps to locate the covered person making the request and delete their information from your systems (and any systems of third-party service providers with whom you work).** Ideally, you also would want to ensure that the covered person's home address and/or unpublished telephone number is no longer made available on or through your services, such as deleting the data or suppressing these data fields within your systems to the extent technically feasible.
- Continue to monitor for Daniel's Law requests on a going-forward basis and respond to such requests within 10 business days.

If you think your company stores and/or makes available data about covered persons, please reach out to a member of the c/d/p team to discuss.

This content is provided for general informational purposes only, and your access or use of the content does not create an attorney-client relationship between you or your organization and Cooley LLP, Cooley (UK) LLP, or any other affiliated practice or entity (collectively referred to as "Cooley"). By accessing this content, you agree that the information provided does not constitute legal or other professional advice. This content is not a substitute for obtaining legal advice from a qualified attorney licensed in your jurisdiction, and you should not act or refrain from acting based on this content. This content may be changed without notice. It is not guaranteed to be complete, correct or up to date, and it may not reflect the most current legal developments. Prior results do not guarantee a similar outcome. Do not send any confidential information to Cooley, as we do not have any duty to keep any information you provide to us confidential. When advising companies, our attorney-client relationship is with the company, not with any individual. This content may have been generated with the assistance of artificial intelligence (AI) in accordance with our AI Principles, may be considered Attorney Advertising and is subject to our legal notices.

Key Contacts

Matthew D. Brown **San Francisco**	**brownmd@cooley.com** **+1 415 693 2188**
Tiana Demas	tdemas@cooley.com +1 212 479 6560
Travis LeBlanc Washington, DC	tleblanc@cooley.com +1 202 728 7018
Tania Soris Washington, DC	tsoris@cooley.com +1 212 479 6856

This information is a general description of the law; it is not intended to provide specific legal advice nor is it intended to create an attorney-client relationship with Cooley LLP. Before taking any action on this information you should seek professional counsel.

Copyright © 2023 Cooley LLP, 3175 Hanover Street, Palo Alto, CA 94304; Cooley (UK) LLP, 22 Bishopsgate, London, UK EC2N 4BQ. Permission is granted to make and redistribute, without charge, copies of this entire document provided that such copies are complete and unaltered and identify Cooley LLP as the author. All other rights reserved.