ArentFox Schiff LLP
Attorneys

D. Reed Freeman Jr.

PARTNER

With over thirty years of experience in data privacy, data security, and FTC defense, Reed brings a mastery of the law and unparalleled experience to bear for the firm's clients.

Industries

Fashion & Retail Law
Hospitality

Practices

Copyright
Privacy & Data Security
Trademark

International

Japan

Education

University of Virginia School of Law, JD, 1993
University of Richmond, BA, 1990

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Reed brings in-house, academic, government, and law firm experience in privacy, data security, data breach response, and regulatory defense to help clients solve their most and urgent complex issues. He has represented clients in scores of bet-the-company FTC and state investigations involving privacy and data security issues and routinely helps companies quickly investigate and recover from data breaches and manage their notification obligations. He regularly advises clients on compliance with international and domestic privacy laws and rules, including the FTC Act, the Gramm-Leach-Bliley Act (GLBA) and rules, the Children's Online Privacy Protection Act (COPPA) and rule, the Department of Justice Bulk Data Transfer Rule, Family Educational Rights and Privacy Act (FERPA) and rules, the EU/UK General Data Protection Regulation (GDPR), the California Consumer Privacy Act (CCPA) and regulations, and other state-level comprehensive privacy laws and rules. He is recognized in Chambers Global and Chambers USA (Band 1-National) and Legal 500 (Hall of Fame). Additionally, Reed counsels clients in developing globally compliant privacy policies and navigating privacy and security issues that arise in mergers, acquisitions, and other transactional matters.

Reed's clients span an array of industries, including financial institutions, retail, nonprofits and industry coalitions, hospitality, financial services, technology (both software and hardware), advertising and direct marketing, online and mobile publishers, application developers, data aggregators, data centers and cloud computing services, and trade associations.

Early in his career, Reed served as a staff attorney in the FTC's Bureau of Consumer Protection. In addition to his time in government and private practice, Reed also worked in-house as chief privacy officer and vice president for legislative and regulatory affairs for an online advertising company.

Client Work

Privacy

- Represented a technology company in an FTC privacy investigation
- Represented a DNA/Genealogy company in an FTC privacy investigation
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Represented an adtech company in an FTC privacy investigation regarding cookieless tracking technologies

- Represented a developer of a widely distributed app in an FTC privacy and data security investigation
- Represented an online advertising technology vendor in an FTC investigation involving the collection and use of GPS data
- Represented a major hardware and software maker in an FTC investigation regarding the use of cookieless tracking technologies
- Negotiated a favorable settlement for a privacy services company in an FTC investigation
- Defended a food and beverage company against a Children's Online Privacy Protection Rule (COPPA) investigation
- Defended a mobile application against an FTC privacy investigation
- Defended a client in an FTC investigation regarding the use of cookies
- Negotiated a favorable settlement in an FTC COPPA case involving online virtual worlds
- Defended an online services company in an FTC investigation
- Defended an online retailer against an FTC privacy investigation

Information Security

- Handled numerous data breach and ransomware incidents, including investigation, recovery, and notification
- Represented a technology company in an FTC data security investigation
- Represented a major retailer in an FTC data security investigation
- Negotiated a favorable settlement for a hardware and software manufacturer
- Negotiated a favorable settlement in an FTC investigation of an application's security practices
- Represented a major software company in a data security investigation
- Defended a professional services company against a detailed investigation following a large breach

Advertising

- Represented a technology company in an FTC advertising investigation
- Representing a large manufacturer in an FTC advertising investigation
- Represented a major hospitality company in a state attorney general investigation
- Negotiated a favorable settlement for a consumer services company
- Negotiated a favorable settlement in an FTC advertising investigation of a clothing manufacturer
- Defended a client against an FTC investigation relating to recent amendments to the Telemarketing Sales Rule
- Negotiated a favorable settlement in an FTC negative option marketing case
- Negotiated a favorable settlement of the FTC's first online incentive marketing case
- Defended a client against a "Made in USA" investigation

General Counseling Work

- Advise clients on compliance with US state privacy laws in California, Colorado, Connecticut, Nevada, Utah, and Virginia
- Advise clients on compliance with privacy laws around the globe and GDPR compliance
- Assisted a client in the development of a consumer-facing privacy resource center
- Assisted an online marketplace in creating a privacy resource center for use by employees throughout the organization
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Assisted with the development of a cross-device advertising cooperative

- Assisted multiple companies in connection with internet-based advertising, multi-site advertising, cross-app advertising, and cross-device tracking
- Assisted a major retailer with affiliate marketing compliance across multiple affiliates
- Defended an online advertising company and a major pharmaceutical company in a CBBB Accountability Program investigation under Digital Advertising Alliance (DAA) Principles for the Self-Regulation of Online Behavioral Advertising

Publications, Presentations & Recognitions

Publications

- "Agricultural Data Privacy Bills Spreading Across the Farm Belt," *Privacy Counsel* (May 22, 2026)
- "Nebraska Signs First-in-the-Nation Agricultural Data Privacy Act Into Law," *Privacy Counsel* (May 15, 2026)
- "Damages-Limiting Amendment to BIPA Applies Retroactively," *Privacy Counsel* (Apr. 8, 2026)
- "FTC's OkCupid/Match Case Signals Return to Section 5 Deception Complaints – With a New Twist on AI Disclosures," *Privacy Counsel* (Apr. 3, 2026)
- "CIPA Plaintiffs Target Cookie Banners, Join State Regulators in Attack on Opt-Out Compliance," *Privacy Counsel* (Mar. 31, 2026)
- "CalPrivacy Supports Bill Providing First-of-Its-Kind Incentives and Protections for Privacy Whistleblowers," *Privacy Counsel* (Feb. 27, 2026)
- "A New Era of US Privacy Enforcement Has Only Just Begun: 2025 Trends and Outlook for 2026 and Beyond," *Privacy Counsel* (Jan. 21, 2026)
- "New Year, New Privacy Obligations," *Privacy Counsel* (Dec. 19, 2025)
- "New State Privacy Laws – Second Half of 2025," *Privacy Counsel* (Jul. 29, 2025)
- "23andMe and the Role of Privacy in Bankruptcy Law," *Privacy Counsel* (May 21, 2025)
- "Navigating the DOJ's New Data Transfer Rule: Implications and Compliance Requirements," *Privacy Counsel* (Apr. 29, 2025)
- "Nebraska Introduces First-of-its-Kind Privacy Bill Aimed at Protecting Agricultural Data," *Privacy Counsel* (Feb. 14, 2025)
- "Are You Ready for 2025? New State Privacy Laws to Take Effect Beginning on January 1," *Privacy Counsel* (Dec. 23, 2024)
- "New State Privacy Laws Take Effect Beginning on July 1," *Privacy Counsel* (Jun. 28, 2024)
- "Generative Artificial Intelligence, Data Minimization, and Today's Gold Rush," *Privacy Counsel* (Jan. 23, 2024)
- "The Federal Trade Commission and Artificial Intelligence," *Privacy Counsel* (Oct. 18, 2023)
- "Penalty Offense Authority and the Future of FTC Privacy Law," *Privacy Counsel* (Sep. 21, 2023)
- "Three FTC Enforcement Trends to Watch This Fall," *Privacy Counsel* (Sep. 7, 2023)
- "Tips For Managing the Response to an FTC Civil Investigative Demand in Privacy and Data Security Cases," *Privacy Counsel* (Aug. 14, 2023)
- "Leaked FTC Civil Investigative Demand to OpenAI Provides a Rare Preliminary View of the Future of AI Enforcement," *Privacy Counsel* (Aug. 2, 2023)
- "On the Road With Generative AI: Key Legal Considerations for the Automotive Industry," *Managing Automotive Blog* (Jul. 26, 2023)
- "Data Scraping, Privacy Law, and the Latest Challenge to the Generative AI Business Model," *Privacy Counsel* (Jul. 17, 2023)
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”Generative Artificial Intelligence, Automated User Interfaces, and the New Laws of Dark Patterns,” *Privacy Counsel* (Jun 29, 2023)

- ”Generative Artificial Intelligence, Data Minimization, and the Gold Rush of the Early 2020s ,” *Privacy Counsel* (Jun. 9, 2023)
- ”What FTC’s Data Actions Say About Tracker Enforcement ,” *Privacy Counsel* (May 10, 2023)
- ”February Privacy Report: FTC Expands Its Use of “Unfairness” Authority in GoodRx Matter ,” *Privacy Counsel* (Mar. 1, 2023)
- ”2023 Resolution: Review & Update Your Privacy Program ,” *Privacy Counsel* (Jan. 19, 2023)
- ”December 2022 AFS Privacy Report: Pandora’s Virtual Try-On Tool Leads to BIPA Class Complaint,” *Privacy Counsel* (Dec. 12, 2022)
- ”Class Action Year in Review: BIPA Class Actions ,” *Privacy Counsel* (Dec. 9, 2022)
- ”November 2022 AFS Privacy Report: FTC Is Tracking Twitter Developments With ‘Deep Concern’,” *Privacy Counsel* (Nov. 14, 2022)
- ”October 2022 AFS Privacy Report: California Privacy Protection Agency Releases Updated Draft Regulations Ahead of October 28-29 Board Meeting ,” *Privacy Counsel* (Oct. 24, 2022)

Presentations

- Update on FTC Privacy Enforcement and Policy Development,” Privacy + Security Forum, Washington, DC (Nov. 4, 2026)
- “Agricultural Data Rights: A New State Law Landscape,” National Agricultural Law Center Webinar (Oct. 21, 2026)
- “The FTC on Privacy and AI,” Teach Privacy Webinar (Sept. 8, 2026)
- “Privacy: State Law Developments and Enforcement in 2025,” ESPC Fall Meeting, Washington, DC (Nov. 13, 2025)
- “Update on AI Legislative Developments and Legal Risks,” ESPC Fall Meeting, Washington, DC (Nov. 13, 2025)
- “Breaking Down the DOJ Bulk Data Transfer Rule,” IAPP Privacy. Security. Risk, San Diego, CA (Oct. 30, 2025)
- “Developments in Privacy and AI Law,” Messaging Malware Mobile Anti-Abuse Working Group (M3AAWG) 65th General Meeting, Charlotte, NC (Oct. 13-16, 2025)
- “Update on the FTC’s Privacy Program Under Trump/Ferguson,” Privacy + Security Fall Forum, Washington, DC (Oct. 12, 2025)
- “Update on the FTC’s Privacy Program: Recent Developments and Changes Under New Republican Control,” Privacy + Security Spring Forum, Washington, DC (May 8, 2025)
- “The FTC’s Privacy Program in Q4 2024,” Privacy + Security Fall Forum, Washington, DC (Oct. 24, 2024)
- “Hot Topics in Privacy Enforcement,” Privacy + Security Spring Forum, Washington, DC (May 11, 2024)
- “Artificial Intelligence: The Emerging Regulatory Environment in the United States and What it Means for Email Marketers,” Email Innovations World 2024 Conference, Phoenix, AZ (June 7, 2024)
- “Overview and Update on Data Privacy Laws,” Hotel Lodging and Legal Summit, Washington, DC; with Jeffrey L. Poston, Crowell & Moring LLP, Courtney Ingraffia Barton, Vice President & Senior Counsel, Privacy & Data Security, Global Compliance, Marriott International, Inc., Jim Halpert, General Counsel, Office of the National Cyber Director, the White House (Oct. 26, 2023)
- “The Emerging Regulatory Environment for Generative Artificial Intelligence,” ESPC Fall Conference, Washington, DC (Oct. 24, 2023)
- “Hot Topics in Privacy Enforcement: Key Trends in FTC, State, and Private Enforcement,” Privacy + Security Spring Forum, Washington, DC; Presenters: Tracy Pulito, Global Privacy Counsel, IPG, and Michelle Bowling, Associate, ArentFox Schiff LLP (May 11, 2023)
- “Not All Risk Is Created Equal: Insight Into Privacy Enforcement Priorities For 2023,” Inbox

Expo, Valencia, Spain (Feb. 27, 2023)

- "Hot Topics in Privacy Enforcement," Privacy + Security Academy's Spring Forum (May 11, 2023)
- "Illinois Supreme Court Holds That Every Unlawful Biometric Scan or Transmission is Separate BIPA Claim," The National Law Review (Feb. 21, 2023)
- "Back to the Future: Navigating the Most Aggressive FTC in Over 40 Years,"2022 IAPP Privacy. Security. Risk. Conference, Austin, TX (Oct. 2022)
- "The Regulation of Online and Mobile Tracking a Targeting Globally in 2022," IAPP Global Privacy Summit (2022)
- "Operationalizing Individual Rights," IAPP CCPA Comprehensive Live Online (2019)
- "CCPA and Its Progeny: States Take Control While Congress Weighs a Broad New Law," IAPP Privacy. Security. Risk. (2019)
- "Fireside Chat with Andrew Smith, Director, FTC Bureau of Consumer Protection," IAPP Global Privacy Summit (2019)
- "The EU ePrivacy Regulation: Current Status and New Expectations for AdTech," IAPP Privacy. Security. Risk. (2018)
- "Tracking and Profiling in 2017, 2018, and Beyond: EU, USA, and Asia," IAPP Privacy. Security. Risk. (2017)

Recognitions

- Chambers USA - Privacy and Data Security (Band 1), Nationwide (2008-Present); Spotlight Table, Privacy & Data Security: ADTECH, Nationwide
- Chambers Global - Privacy and Data Security (Band 1), USA
- Lawdragon 500 Leading Global Cyber Lawyers (2026)
- Financer Worldwide, Cyber Security & Data Privacy North America - Distinguished Advisers (2026)
- Legal 500 - Media, Technology and Telecoms – Cyber Law (including data privacy and data protection) (2016-2022)
- The Best Lawyers in America - Lawyer of the Year, Privacy and Data Security Law, Washington, DC (2021, 2024)
- The Best Lawyers in America - Best Lawyer, Privacy and Data Security Law (2021–2027); Advertising Law (2009–2027)
- Client Service All-Star, BTI Consulting Group (2022)
- Super Lawyers - Administrative Law, Washington, DC
- Best of the Best, Privacy and Data Protection, Global, Expert Guides (2021)
- Best of the Best, Privacy and Data Protection, USA, Expert Guides (2021)
- Law360 Distinguished Legal Writing Award, Burton Foundation (2019) (Awarded for co-authoring "Monitoring Mobility—The Current and Future Regulatory Landscape for Advanced Automotive Tech")
- Trailblazer, Regulatory & Compliance, National Law Journal (2015)
- Top Attorney, Cybersecurity, Washingtonian (2015)
- FTC Compliance Lawyer of the Year, Washington, DC, Corporate International Magazine (2017)

Boards, Memberships & Certifications

Memberships

- International Association of Privacy Professionals, Privacy Bar Section Advisory Board, Member
- Department of Homeland Security, Data Privacy and Integrity Advisory Committee, Former

Member

Certifications

- Certified Information Privacy Professional, International Association of Privacy Professionals (IAPP)

Professional Activities

- Staff Attorney, Bureau of Consumer Protection, Federal Trade Commission
- Westin Emeritus Fellow, International Association of Privacy Professionals (IAPP)
- Fellow, Ponemon Institute
- Fellow, American Bar Foundation
- Former Adjunct Professor, Privacy and Advertising Law, George Mason School of Law

In The News

Reed has been quoted by a number of media outlets. This includes:

- AI's Voracious Appetite for Data Imperils Key Privacy Principles , *Bloomberg Law*, October 2, 2025
- FTC's Health Privacy Efforts Raise Specter Of Litigation, *Law360*, June 8, 2023
- Legal Tech's Predictions for Privacy in 2023, *Law.com*, January 17, 2023

Life Beyond the Law

Outside of work, Reed enjoys fishing on mountain streams in Virginia's Blue Ridge Mountains.

Bar Admissions

District of Columbia
Virginia