



Devin J. Chwastyk

Member • Lead, Privacy and Data Security

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Services and sector groups

- Privacy and Data Security
- Appellate Law and Post Trial
- Litigation
- Public Finance
- Environmental, Social and Governance
- Automotive Dealership
- Education

Devin has spent more than two decades focused on data security and privacy law. He advises businesses and public entities on privacy compliance, data breach response, AI governance, and complex commercial litigation.

Devin began working on data breach litigation in 2005, representing banks seeking to recover credit card replacement costs from retailers whose security failures exposed customers' account data. His clients won some of the first data breach cases to succeed in U.S. federal courts, including one of the earliest appellate decisions to recognize a right to recover breach-related damages.

Today, Devin spends much of his time helping clients build and maintain their data protection programs. He drafts and reviews data security policies, privacy notices, incident response plans, and vendor agreements. He advises on compliance with the patchwork of U.S. state privacy laws, including the California Consumer Privacy Act and its progeny, as well as the EU General Data Protection Regulation and sector-specific requirements like HIPAA. When breaches occur, he manages the legal response: investigating what happened, coordinating notification obligations, engaging with regulators, and working to limit exposure.

Devin also advises clients on the privacy and regulatory dimensions of artificial intelligence. He counsels organizations adopting AI tools on data governance, algorithmic transparency, and compliance with emerging AI regulations.

A recognized thought leader who regularly speaks and writes about privacy and data security topics, Devin holds both the Certified Information Privacy Professional/United States (CIPP/US) and Certified Information Privacy Professional/Europe (CIPP/E) designations from the International Association of Privacy Professionals, reflecting his familiarity with both U.S. and European privacy frameworks.

Outside of his privacy practice, Devin is an experienced trial and appellate litigator. He defends class actions, particularly those involving consumer protection statutes, civil rights claims, and employment practices, and handles a range of commercial disputes involving contracts, intellectual property, and defamation. He also represents municipalities, state legislators, and media companies in constitutional litigation.

Representative experience

- Data privacy: serves as an outsourced Data Protection Officer or outside privacy counsel for dozens of companies ranging from Fortune 500 manufacturers, national and global consumer brands, digital marketing companies, medical device manufacturers, hospitals, and technology startups to small and medium-sized companies.
- Data privacy: Represented a digital marketing company in the defense of leading federal class action litigation alleging use of cookies, pixels, and other trackers violated state wiretapping laws.
- Consumer protection: defends class action lawsuits alleging violations of state and federal consumer protection laws, wage and hour laws, and anti-discrimination laws, including ADA website accessibility cases and claims brought pursuant to state wiretap laws.
- Data security: Represented financial institutions in litigation arising from a credit card data security breach and obtained an appellate decision recognizing the right to recover resulting damages.
- Municipal litigation: Opposed the City of Harrisburg's Chapter 9 municipal bankruptcy filing on behalf of its largest municipal creditor and obtained dismissal of the petition and summary disposition of the city's appeal.
- Constitutional litigation: Filed briefs on behalf of a county, as amicus curiae, in opposition to constitutional challenges to Pennsylvania's Financially Distressed Municipalities Act.
- Constitutional litigation: Represented Pennsylvania legislative leadership, as amicus curiae, in challenges to the constitutionality of Pennsylvania Act 13 regarding Marcellus Shale development.
- Constitutional litigation: Represented the Pennsylvania Senate president pro tempore in obtaining dismissal of constitutional challenges to legislation authorizing the taking of property for municipal purposes.
- Public interest litigation: Obtained an appellate ruling recognizing the rights of a domestic partner to jointly held property of his deceased partner over objections from the estate administrators.
- Class actions: Represented a county prison in defense of a class action brought by pretrial detainees alleging its strip search practices violated the Fourth Amendment.
- Civil rights litigation: Defended Hershey Entertainment & Resorts Company at trial and on appeal against First Amendment and civil rights claims involving protests in a municipality.
- Civil rights litigation: Defended civil rights claims brought by a subcontractor against a contractor and university involving bidding practices on a facility construction project.
- Intellectual property litigation: Represented the licensor of patents for dental products in obtaining arbitration of claims by a licensee for unpaid royalties.
- Contract disputes: Represented an electronics manufacturer in a multimillion-dollar breach of contract action concerning the purchase of components.
- Intellectual property litigation: Represented a regional entertainment company in a preliminary injunction action to enforce its trademark for use in restaurant and food services.
- Contract disputes: Defended a university in district court and on appeal against breach of contract claims brought by a student expelled from a graduate program.
- Intellectual property litigation: Represented a pharmaceutical company in defense of trademark claims.
- Contract disputes: Obtained summary judgment and an appellate decision for an insurance company in claims by agents for commission payments.
- Defamation litigation: Defended physicians and hospital employees in a defamation action brought

by the hospital's former chief executive officer.

- Contract disputes: Obtained an appellate decision affirming dismissal of civil conspiracy claims against an insurance company arising from the denial of workers' compensation claims.
- Civil rights litigation: Defended a national automobile lender against Truth in Lending Act claims brought by a borrower.

Certifications

- Certified Information Privacy Professional, CIPP/US, 2016

Education

- Georgetown University Law Center, J.D., *cum laude*, *Georgetown Journal of International Law*
- The Pennsylvania State University, B.A.

Admissions

- Pennsylvania
- PA Supreme Court
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. District Court for the Eastern District of Pennsylvania
- U.S. District Court for the Middle District of Pennsylvania

Recognition

- Pennsylvania Rising Stars®, 2010-present
- Hon. John F. Cherry Award, Dauphin County Bar Association, 2024

Professional and community involvement

- Dauphin County Bar Association, Board of Directors, previous member
- Dauphin County Bar Association, Equal Professional Opportunity Committee, vice chair
- Pennsylvania Bar Association, Cybersecurity and Data Privacy Committee
- United Way of the Capital Region, Bridges Society, past board member
- YMCA, East Shore Board of Managers
- Technology Council of Central Pa., board member

Publications

- GDPR One Year Later: How Has the EU Privacy Law Affected US Companies? *The Legal Intelligencer*, July 19, 2019
- Law Firm Cybersecurity 'an Imperative' as Clients Make Demands Clear, *The Legal Intelligencer*, May 21, 2018

Speaking engagements

- Cyber Resilience Leadership, RKL Cybersecurity Forum, April 30, 2026
- Artificial Intelligence in Social Services: Privacy Ethics and Best Practices, Community Action Association of Pennsylvania CAAP Summit, May 21, 2026
- Artificial Intelligence: What Lawyers Need to Know – Legal Developments and Ethical Pitfalls, PA Governor's Office of General Counsel, May 7, 2026
- Conducting Cybersecurity Risk Assessments, KINBERCON, October 17, 2025
- State of Cyber, Appalachia Advance, September 17, 2025
- Cybersecurity Issues and Data Breach Requirements, County Commissioners Association of Pennsylvania, February 13, 2025
- Privacy Update: Digital Advertising and Pixel Litigation, Pennsylvania Bar Association, November 15, 2024
- Safeguarding Family Data in the Digital Age: Legal and Practical Considerations, University of Pittsburgh, January 17, 2024