

Cross-Border E-Discovery Meets Data Privacy Protection in the European Union

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Partner [Mark Austrian](#) co-authored the *Pretrial Practice & Discovery* newsletter article “Cross-Border E-Discovery Meets Data Privacy Protection in the European Union” for the American Bar Association Section of Litigation’s Pretrial Practice & Discovery committee newsletter.

The article addresses the conflict between EU’s severe privacy controls limiting the cross-border transfer of EU personal data with a U.S. companies’ duty to disclose electronically stored information (ESI) to opposing counsel during U.S. civil discovery, or in connection with a U.S. government investigation. The EU’s General Data Protection Regulation (GDPR) enacted in May 2018 further governs the cross-border transfer of EU personal data. Mark details strategies that companies should now review and consider before transferring data across the EU’s borders to opposing counsel.