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Privacy Junkie

Cathleen Hartge digs into privacy and cybersecurity as the head of legal at Branch Metrics Inc.

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Branch Metrics Inc.

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Cathleen Hartge spends her weekdays as the head of legal for Branch Metrics Inc., but on weekends she's chasing Frisbees.

"It's something that we do as a family," Hartge said of her passion for Ultimate Frisbee. "My husband plays too. We bring our son and he runs around on the sidelines. It's what brings it all together and contributes to my success in my job."

She picked up the hobby while earning her bachelor's degree in international studies at Johns Hopkins University. She then went on to complete her law

degree at Stanford University.

Branch Metrics is a technology company that works with services like AirBnB and Pinterest to create hyperlinks that open apps on mobile phones instead of a traditional link on a webpage. The company also supplies those clients with detailed analytics about the people visiting their sites and using their services.

Hartge joined Branch in March 2018 from Munger, Tolles & Olson LLP. In a recent interview, Hartge discussed how the company handles cybersecurity and how monopolies could change privacy. The following transcript has been edited.

DJ: How does Branch approach privacy?

Hartge: Privacy is the backbone of legal, and in fact, the reason I was hired when I was hired was because the company wanted a dedicated resource to be focused on [Europe's General Data Protection Regulations] and privacy. ... I had heard horror stories from friends who were the first lawyer at a startup — all the cleanup and expectation setting and getting people on board that they had to do. I came in, and ... everyone understood that GDPR was the whole game. The engineering and product teams had already spec'd out what they needed to do from a compliance perspective before I joined. ... Everyone was not only motivated by being scared of GDPR penalties, but also there was a really intense desire to do the right thing.

Even after the craze of GDPR implementation, privacy has always been on our minds, and in addition to having a company-wide training every year on privacy, I host individual training and privacy by design sessions just for the engineering and product leadership. People are really proactive about integrating privacy early into product features, which is awesome. I think they genuinely appreciate that getting legal-privacy involved early is the best way to avoid issues down the road.

DJ: How much of your job today focuses on privacy?

Hartge: I'd say that privacy is a good quarter of the work that we do here at Branch. The thing is now with privacy, it touches everything. It's not just about GDPR compliance for your product. It's about, "How are you handling employee data? How well are you vetting your vendors? Are you properly analyzing when vendors are processing personal data and getting the right paperwork and compliance measures in with them?" We have said no before to people who want to bring on certain vendors once we dug in on the privacy side. ... Anytime we bring on a new vendor, and they process personal data, we now know that that's something that we have to capture for GDPR purposes and make sure that when a GDPR deletion request comes in, we have to take care of that. Now the good news is with all the GDPR groundwork we did, we're in a great place for [the California Consumer Privacy Act]. There's still extra work that we're doing for CCPA, but it's incremental.

DJ: Do you have any thoughts on the legal questions surrounding business monopolies?

Hartge: One thing that I do worry about — from the privacy junkie perspective, not necessarily from head of legal at Branch — is what those monopolies mean for privacy or those potential monopolies. Jury's still out.

The more that consolidation continues, I think the less say that consumers or even companies have to stand up and disagree with those. That is something that I'm not excited about as someone who values privacy. I know that a lot of times when we think about potential anti-competitiveness, we're thinking from, "Who has the most ad revenue? Who's making the most money?" And we think about prices. But I think one axis where it's very important to think about these issues is through that of privacy. That's essentially pricing in a different way and making sure that we have in place adequate protections and to reduce anti-competitive conduct from a privacy perspective.

DJ: How do you use outside counsel?

Hartge: I view outside counsel where I can as an extension of us. We're growing, and that's great, but the need for legal services always outstrips our internal capacity. So wherever I can, I try and be upfront with outside counsel ... where I'm hiring you because you're the expert and because I trust you, and I want you to run with this. Again, use your judgment in running things by me where needed, and I will have input on those things. I'm not shy about that, but I am giving you lots of money, so that this is now your problem and not my problem to think about on a day-to-day basis.

DJ: What do you look for when you hire outside counsel?

Hartge: Every single time I read an interview like this — the answer is always someone who understands the business, but it's so true. Now, what does that mean? It doesn't have to mean that you know our product inside and out — unless you're privacy counsel, in which case you do. But someone who understands the big picture and what we're trying to accomplish. People who get really fixated on the legal issues without ever discussing business context, that's an issue for me. Similarly, and this is something where I have to get better with counsel, sometimes I want a gut check on something, and then I get back a five-page memo that costs me thousands of dollars and that was wildly different from what I wanted and hoped for.

I have found that I really enjoy working with certain boutiques or solos. We've actually used a couple of different solos now for our overflow commercial work, so to speak. If you can find the right solo practitioner — it's tremendously talented people who have decided they don't want to do the law firm thing, they want to set up their own shingle and they want to work with a bunch of startups. If you can get the right recommendation, you can get tremendously qualified people that way for killer rates.

You don't have to use the same firm for everything. Even for things like international employment issues, we don't have one go-to firm. We have different firms that we use in different markets based on who impresses us and when and how and why. We love the smaller shops, not just for cost reasons, but because they care a lot about our business and a lot of times they will invest more time into really understanding your problems.

DJ: Any similarities between ultimate Frisbee and your job?

Hartge: People will often ask me at work how I do it all with this kid and with ultimate, and when I'm at ultimate people are like, how do you balance this challenging career with having this kid and still dedicating time out every weekend regularly to this? And for me, ultimate is what keeps me sane at work. It's that time during the weekend where I'm not thinking about work at all. I can't. I'm chasing a Frisbee around and I'm sprinting. ... It's not so much how do I balance it; it's [this outlet is] why I'm able to do this high-pressure job.

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