

Protecting the Right of Privacy | *Trusts and Trustees*

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This article discusses how increased information exchange around the world and invasions of privacy have taken place amidst the backdrop of global events, including the worldwide recession in 2008, a number of financial scandals, coordinated tax enforcement efforts and a lack of secrecy from taxing authorities. The author describes how governments around the world have responded by enacting exchange agreements, including the Foreign Account Tax Compliance Act (FATCA) and the Common Reporting Standard (CRS), which pose greater threats to privacy. Such threats include intrusions on attorney-client privilege, the responsible use of sham trusts, and government efforts to register trusts. The author concludes by emphasizing how protections of privacy are incorporated in the legal system in the United States, including taxpayer secrecy by taxing authorities, the ability to seal court proceedings, causes of actions for invasion of privacy, patent protections, copyrights, trademarks and trade secrets, and the right of publicity, particularly after death.

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