



Conference Themes

- 1984 + 25 years: A digital electronic surveillance society?
- Data breach management
- Transparency and privacy
- Managing privacy with fewer resources
- European Union
- Canada, France, Germany, India, Israel, Russia, Spain, United Kingdom, USA
- Consultation on the new UK Information Commissioner's agenda
- Binding Corporate Rules
- Online behavioural advertising
- Data management
- eDiscovery in the US vs. EU data protection
- Data protection and government investigations
- Identity cards
- Privacy advocates
- Cloud computing
- Privacy notices
- British Standard for Personal Information Management
- Consumer class actions
- Surveillance and the State
- Employee surveillance
- Children's issues
- Controller to processor standard contractual clauses
- The UK Information Commissioner's new powers and penalties
- Effectiveness of data protection training
- Privacy accountability
- Consultation on a new EU Data Protection Directive
- Data protection staff awareness programmes
- Professional development
- Communicating privacy messages effectively
- Developing your privacy management skills

22ND ANNUAL INTERNATIONAL Conference

July 6th-8th 2009, St. John's College, Cambridge, UK

*Privacy as a business risk
for top management:
Compliance in the credit crunch*

Register for this event and get more information at
www.privacylaws.com

CONFERENCE PROGRAMME

21 CONTINUING PROFESSIONAL DEVELOPMENT HOURS



A HISTORIC LOCATION

St. John's College, founded in the 16th century, is a beautiful conference location combining the best of old Cambridge atmosphere with modern conference facilities, such as a computer room and wireless broadband access. It provides professionally equipped lecture rooms and first-rate cuisine in the medieval dining hall. The college has quiet gardens and a tranquil setting by the River Cam.

OVER 45 SPEAKERS FROM 10 COUNTRIES IN 3 DAYS

The *Privacy Laws & Business* 22nd Annual International Conference features over 45 speakers from 10 countries over 3 intensive days. Almost half of these speakers are giving a presentation at this event for the first time.

At Europe's largest international data protection event you are sure to gain professionally by networking with your peers. Many of the speakers attend the entire conference, providing you with an ideal opportunity to have direct contact with the key decision makers and privacy managers of some of the world's largest companies. Scan the horizon for new privacy issues and enjoy the unique summer school atmosphere.

EXHIBITION SPACE

Limited space is still available in the conference centre for companies wishing to demonstrate their privacy law related products and services.

Sponsorship opportunities are available for lunches, dinners, other social events and documentation packs.

For updates after June 8th, please see our website at www.privacylaws.com/annualconference

For a virtual tour of St. John's College, visit www.joh.cam.ac.uk.

22ND ANNUAL INTERNATIONAL Conference

July 6th-8th 2009, St. John's College, Cambridge, UK

THE YEAR 2009 marks 25 years after the surveillance society described in George Orwell's book, *1984*. Every organisation has to grapple with the challenge posed by privacy risks in our working and personal lives.

How should privacy managers and advisors guide their organisations to achieve an optimum balance between management control and rights for individuals, including customers and employees?

Privacy issues are increasingly coming to the attention of top management as a business risk, as the loss or lack of attention to personal data has consequences for your organisation's reputation. Personal data is difficult to value, but we know that its value declines if it is stolen, maliciously attacked, or quietly undermined whether from external or internal sources. It is also a complex process to restore the integrity of personal data if you include not just the back up file but also the impact on people's lives of damaged data.

Failure to adapt your business model to acknowledge that data protection is a fundamental right in Europe will certainly cause problems for companies used to a more relaxed regime elsewhere. It is ironic that Russia has a comprehensive data protection law before the USA. India's new data protection law has implications for doing business and outsourcing there. We have speakers from both Russia and India to explain the impact of these laws on business. However, the USA in most states provides a lead on data breach laws and the European Union is following, as we will see in other sessions.

Maintaining the integrity of your personal data protects a key asset in a recession. During these challenging economic times, the theft of business sensitive and confidential information by employees is a realistic threat to companies, particularly when many people fear for their jobs. A recession means a need to obtain better value for money in your privacy work. We address the cost-cutting agenda throughout the conference.

Speakers & Chairs

Data Protection Regulators

Iain Bourne, Information Commissioner's Office, UK
Anna Buchta, European Commission, Belgium
Yoram HaCohen, ILITA, Israel
Belinda Lewis, Ministry of Justice, UK
David Smith, Information Commissioner's Office, UK
Georges de La Loyère, CNIL (DP Commission), France
Florence Raynal, CNIL (DP Commission), France
José López Calvo, Data Protection Agency, Spain

Organisations

Bojana Bellamy, Accenture, UK
Boris Wojtan, Accenture, UK
Lisa Garley-Evans, Avon, UK
Julian Parkin, Barclays, UK
Chris Barrington, Blue Goose, UK
Vivienne Artz, Citi, UK
Michael Colao, Dresdner Kleinwort, UK
Greg Piel, First Data Corporation, UK
Jon Vantghem, First Data Corporation, UK
Alma Whitten, Google, UK
Daniel Pradelles, Hewlett Packard CCF, France
Mike Hintze, Microsoft, USA
Martin Hoskins, T-Mobile, UK
Sue Gold, Walt Disney Company, UK

Law Firms

Mark Watts, Bristows, UK
Ekaterina Lopatnikova, CMS International B.V., Russia
Nicholas Graham, Denton Wilde Sapte, UK
Scott Singer, Denton Wilde Sapte, UK
Kate Brimsted, Herbert Smith, UK

Christopher Rees, Herbert Smith, UK
Christopher Kuner, Hunton & Williams, Belgium
Ulrich Wuermeling, Latham & Watkins Schon Nolte, Germany
Marly Didizian, Linklaters, UK
Ann Bevitt, Morrison & Foerster, UK
Ashley Winton, White & Case, UK
Pavan Duggal, Pavan Duggal Associates, India

Academics/Public Interest Groups

Willemien Bax, BEUC, Belgium
Colin Bennett, University of Victoria, Canada
Benjamin Goold, University of Oxford, UK
Christopher Millard, Queen Mary, University of London, UK
Charles Raab, University of Edinburgh, UK
Omer Tene, College of Management, Israel

Consultants

Nicola McKilligan, European Privacy Partnership, UK
Jennifer Moseley, Opt-4, UK
Cheryl White, Performance Unlimited, UK
Paula Davis, SAI Global, UK

Privacy Laws & Business

Stewart Dresner, UK
Laura Linkomies, UK
Stuart Lynch, UK
James Michael, UK
Eugene Oscapella, Canada
Valerie Taylor, UK



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JOHN LOUD, AGCO**

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VERA HARLOFF, RIGHT MANAGEMENT**

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DAVID HULME, CONVERGYS**

**"As always filled to the brim with highly valuable timely topics and essential information – unmissable."
CINDY PAUL, DELOITTE**

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LISA BANYARD, PRICEWATERHOUSECOOPERS**

Previous conference participants include:

- Allied Irish Bank
- American Express
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- British Airways
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- Experian
- Facebook
- General Motors
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- Herbert Smith
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- Johnson & Johnson
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- Marks & Spencer
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- Nestlé
- Nokia
- PayPal
- Pfizer
- PwC
- Royal & Sun Alliance
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- Walt Disney
- Yahoo
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- European Union
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- Universities

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1. Six Newsletters a year

Privacy Laws & Business newsletters provide you with a comprehensive information resource for data protection issues – topics such as new laws, amendments, codes and how they work in practice. The UK edition also covers the UK Freedom of Information Act.

2. E-Mail Updates

Newsletter subscribers will be kept regularly informed of the latest developments in data protection and privacy issues via email updates.

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Subscribers may contact the *PL&B* team with questions such as the current status of legislation, and sources for specific issues and texts.

4. Index

Subscribers will receive a cumulative country, subject and company index annually, covering subjects such as outsourcing, transborder data flows and marketing. The index is regularly updated on the *PL&B* website.

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www.privacylaws.com/enews

PRIVACY INCIDENTS can leave organisations in breach of the law and can even result in criminal liability for senior management and employees. Bad publicity can seriously damage your organisation's brand and inevitably its bottom line.

Can your organisation really afford not to understand its legal requirements? Consumers are becoming increasingly aware of their privacy rights and are willing to exercise them against organisations that fail to safeguard their personal data properly.

Privacy Laws & Business has been providing data protection publications, conferences, advice and consultancy since 1987. It has become the comprehensive information source for privacy and data protection managers and lawyers.

Through a mixture of corporate case studies, legal analysis and advice, the *Privacy Laws & Business* newsletters:

- ▶ Show you where organisations have gone wrong, and how to go about correcting any problems
- ▶ Help your organisation benchmark its compliance practices and discover new ways of improving your procedures
- ▶ Provide you with expert comment from leading privacy consultants, managers, lawyers, and regulators.

Breaking news and developments are gathered together in one valuable resource, leaving you free to improve compliance, boost customer trust, and protect your organisation's reputation.

Newsletter Editors:

International – James Michael james.michael@privacylaws.com

UK – Laura Linkomies laura.linkomies@privacylaws.com



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PRE-CONFERENCE EVENTS – SUNDAY JULY 5TH, 2009

18.00 Organ Recital and Evensong with the Choir of St John's College
St John's College Chapel, St John's College, Cambridge

19.00 Evening Drinks
Outside Wordsworth Room, First Court, St John's College, Cambridge

19.30 Dinner (pre booking required)
Wordsworth Room, First Court, St John's College, Cambridge

SOCIAL PROGRAMME

Sunday July 5th

Organ Recital and Evensong: 18.00 With the choir of St John's College at St. John's College Chapel.

Drinks: 19.00-19.30 Outside the Wordsworth Room, First Court.

Dinner: 19.30 In the Wordsworth Room, First Court.

Monday July 6th

Cambridge Walks: 18.00 Two walks led by qualified guides from the Cambridge Tourist Office, both leaving from the door of the Fisher Building. One guide will focus on Cambridge University's 800th anniversary and the other will be about Charles Darwin, to celebrate the 200th anniversary of his birth. No booking needed. (SPONSORED BY MORRISON & FOERSTER, WWW.MOFO.COM)

Drinks: Between 18.30 and 19.30 in Chapel Court.

Dinner: 19.30 In The Hall, between Second and First Courts.

Party in the Lower Pythagoras: 21.00 with FREE first drink, just present your voucher, distributed at Monday's dinner.

St John's College Bar: The college cash bar has extended opening hours until midnight.

Tuesday July 7th

St John's College 17th Century Library and New Library Tours: 18.00 The old library contains books dating from the 10th century which are so rare and valuable that undergraduate access is restricted, so this will be a unique privilege. The tour of the old library will last approximately 15 minutes. Once inside the new library, you will be free to explore by yourselves.

Please meet the Special Collection Librarian, Jonathan Harrison, inside the entrance to the new library in Chapel Court – the entrance is directly opposite the Chapel. We hope you enjoy this unique experience of the St John's College libraries.

Punting on the River Cam: Chauffeured punts depart at 18.30 from Lower River Court, which is immediately in front of the Fisher Building, returning at 19.15. Punting is free, and on a first come first served basis. Be early if you are very keen. You can also try punting for yourselves by hiring punts from Cripps Porter's Lodge for a small charge.

Drinks: 18.30-19.30 At River Court. Come and watch and/or join the punters!

Dinner: 19.30 In The Hall, between Second and First Courts.

St John's College Bar: The college cash bar has extended opening hours until midnight.

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DAY 1 – MONDAY JULY 6TH, 2009

Privacy as a business risk for top management

07.30-08.45 Breakfast in The Buttery

08.30-17.30 Registration in the Fisher Building

09.00 1984 + 25 years: Identity management and how to avoid a digital electronic surveillance society

Eugene Oscapella, Consultant, Privacy Laws & Business, Canada

How we identify ourselves to individuals, businesses and government organisations (how we manage our identities) plays a central role in the conflict to protect privacy and efforts that push us towards a 'surveillance society'.

- Surveillance through identity management can serve useful purposes for both private and public sectors
- The issue: where to draw the line?

10.00 Chairman's introduction: Privacy as a business risk for top management – Compliance in the credit crunch

Stewart Dresner, Chief Executive, Privacy Laws & Business, UK

10.15 We've had a data breach – what now? What happens when your company faces a security breach

Vivienne Artz, Counsel & Head of International, Citibank, UK

José López Calvo, Deputy Director, Inspections Department, Data Protection Agency, Spain

- How to assess the incident?
- Who takes the lead?
- How to deal with legal or regulatory fall-out?
- What is the plan? Who needs to know what?

11.00 Coffee SPONSORED BY DENTON WILDE SAPTE (WWW.DENTONWILDESAPTE.COM)

11.30 Google: a year in the eye of the privacy storm

Alma Whitten, Software Engineer, Security & Privacy, Google, UK

- Transparency and notification across Google's products
- Search and Adwords
- Latitude and location-based mobile services
- StreetView and geo-privacy

12.10 Introduction to Data Breach Notification and European Transparency and Privacy Sessions

Anna Buchta, European Commission, Brussels, and James Michael, Privacy Laws & Business, UK

Parallel Session 1: Data Breaches

Chair: *Stewart Dresner, Chief Executive, Privacy Laws & Business, UK*

12.30 What the EU has decided on data breach notification and its timetable for action

Anna Buchta, DG INFSO B1: Policy Development (eCommunications), European Commission, Brussels

The legislative process and (preliminary) results of the revision of the Directive 2002/58/EC which would introduce mandatory notification of security breaches in the telecoms sector.

- The compromise reached in the European Parliament: definitions, thresholds for notification, modalities
- The scope of the obligation
- Challenges for implementation
- The timetable and prospects for a generally applicable mandatory breach notification in EU law
- Lessons learned from the current negotiations process

Parallel Session 2: Transparency and Privacy

Chair: *Eugene Oscapella, Consultant, Privacy Laws & Business, Canada*

12.30 European Transparency and Privacy: Challenges and Opportunities resulting from decisions of the European Court of Justice and the European Court of Human Rights

James Michael, Editor, International Newsletter, Privacy Laws & Business, UK

- Meetings with European institutions' staff
- The type of data which is available
- Right of access to the European Commission's legal advice

13.00 Lunch

13.45 Demonstration: Summit Privacy Resources (www.summitprivacy.com)

Ann Bevitt, Partner, Morrison & Foerster, UK

Summit Privacy Resources' unique database helps organisations determine quickly local compliance requirements in jurisdictions around the world, spot possible compliance issues, and simplify global privacy approaches.

14.00 Running a privacy program in a challenging economy

Mike Hintze, Associate General Counsel, Microsoft, USA and Martin Hoskins, Data Protection Manager, T-Mobile, UK

- How should you prioritise your needs?
- Some ways you can get more mileage out of your past investments
- When does it make most sense to use consultants or outside counsel, and how can you keep these costs down?
- How can you leverage industry associations or coalitions to spread costs among others with common interests?
- How can you justify to management the need to spend on privacy in the face of intense pressure to cut costs?

14.40 Online behavioural advertising: When does active targeting become intrusive?

Mark Watts, Partner, Bristows, UK

Parallel Session 1: Germany

Chair: *Stewart Dresner, Chief Executive, Privacy Laws & Business, UK*

15.15 New data protection laws in Germany

Dr. Ulrich Wuermeling, Partner, Latham & Watkins, Germany

- How privacy scandals have driven legislative initiatives
- Main changes: direct marketing, scoring, data breach disclosure, employee data, stricter sanctions
- Consequences from a European compliance perspective

Parallel Session 2: United Kingdom

Chair: *Stuart Lynch, Consultant, Privacy Laws & Business, UK*

15.15 Official openness, private protection

Belinda Lewis, Head of Information Policy Division, Ministry of Justice, UK

16.00 Tea SPONSORED BY DENTON WILDE SAPTE (WWW.DENTONWILDESAPTE.COM)

Parallel Session 1: International

Chair: *James Michael, Privacy Laws & Business International, UK*

16.20 eDiscovery requirements in the United States vs. EU data protection obligations

Ann Bevitt, Partner, Morrison & Foerster, UK

Lisa Garley-Evans, CP & Regional Counsel, EMEA, Avon, UK

Georges de La Loyère, Commissioner, International Affairs, CNIL (Data Protection Commission), France

- The legal bases for processing available to companies seeking to comply with US discovery requirements
- The adequacy mechanisms on which companies may rely when transferring data to the US
- Best practice guidance for companies subject to these conflicting requirements
- Practical examples of particular areas of difficulty, e.g. notification to data subjects, reasonably anticipated proceedings and regulatory investigations; and
- How national DPAs handle these issues in practice

17.05 Data protection and government investigations: an irreconcilable conflict?

Ashley Winton, Partner, White & Case, UK

- European DP law does not recognise a non-EEA law as a 'legal obligation' for the purpose of recognising a basis for both processing or export of personal data
- Non-European governments and authorities tend not to recognise European data protection laws as an excuse for not complying with their requirements
- Legal and compliance questions include: problematic consent and lawyers' attempt to use privacy laws
- Some novel techniques to try and resolve these difficult legal problems which have a direct and substantial cost to those companies who are seeking to conduct these sorts of investigations

Parallel Session 2: United Kingdom

Chair: *Valerie Taylor, Consultant, Privacy Laws & Business, UK*

16.20 The UK National Identity Scheme: Inter-agency access and the challenge of effective internal regulation

Dr. Benjamin Good, Lecturer in Law, Fellow and Tutor, Somerville College, University of Oxford, UK

- Sharing personal data and the National Identity Scheme
- The provisions of Section 17 of the Identity Cards Act 2006
- Developing principles for the sharing of data without subject consent
- Facilitating inter-agency access to the National Identity Register
- The role of the Identity Commissioner

17.00 Playing the Identity Card: International Developments and Lessons for the UK Identity Card Scheme

Professor Colin Bennett, University of Victoria, Canada

17.50-18.30 Additional Session: Rendezvous with France's International Affairs Commissioner

Georges de La Loyère, Commissioner, International Affairs, CNIL (Data Protection Commission), France and France's representative on the EU Art. 29 Data Protection Working Party

17.50 Close

18.00 Guided Walks SPONSORED BY MORRISON & FOERSTER (WWW.MOFO.COM)

18.30 Drinks

19.30 Dinner in The Hall

21.00 Party in the Lower Pythagoras FEATURING 'PRIVATE EYE' (PL&B BAND) AND MORE

DAY 2 – TUESDAY JULY 7TH, 2009

Balancing privacy and business objectives

07.30-08.45 Breakfast in The Buttery

08.30-17.30 Registration in the Fisher Building

09.00 The rise of the privacy advocates and the implications for government and business

Professor Colin Bennett, University of Victoria, Canada

09.45 Cloud computing: Balancing the benefits and the risks

Christopher Millard, Of Counsel, Bristows, London and Professor of Privacy & Information Law, Queen Mary, University of London, UK

- What is cloud computing and how does it work? Why is it so topical and what's all the fuss about?
- How do data protection rules apply to cloud arrangements?
- Does it really matter where you put your data?
- How can you manage risks and seek to maximise benefits in the cloud?

10.30 Coffee SPONSORED BY DENTON WILDE SAPTE (WWW.DENTONWILDESAPTE.COM)

Parallel Session 1: International Transfers

Chair: *Christopher Millard, Of Counsel, Bristows, UK*

11.00 Are Binding Corporate Rules now a viable option?

Applying for Binding Corporate Rules (BCR) approval – sharing lessons learned from an applicant's perspective

*Greg Piel, Lead Attorney, International, First Data Corporation, USA
Jon Vantoghem, Solicitor and former Lead Attorney, International, for First Data Corporation, First Data Corporation, USA*

Scott Singer and Nick Graham, Partners, Denton Wilde Sapte, UK

- First Data – its need for a solution for global data transfers
- Choosing a solution and selling BCRs internally
- Project Management – a key ingredient for success
- EU Art. 29 DP Working Party's working papers 153 and 155 – what should you do with them?
- Filling in the application form: Key questions
- Drafting the BCRs. The BCR authorisation process
- If we were to do it again... other lessons learned

11.40 How US-based Atmel Corp. won its BCR approval and what lessons can be learned for best practice

Christopher Rees, Partner, Herbert Smith, UK

- The essentials: What any BCR must have before setting off
- The problems that arose and how they were overcome
- How we kept on course and on time: Black Arts revealed
- The lessons learned: what improvements to the BCR process do we think to be necessary?

12.10 How Accenture won approval for its Binding Corporate Rules in 20 EU countries for transferring personal data to its affiliates around the world

Boris Wojtan, EMEA Data Privacy Lead, Accenture, UK

- Accenture's BCRs and what they comprise
- How Accenture managed the process
- The work that needs to be done following approval
- Lessons learned

12.40 Discussion: Are Binding Corporate Rules now a viable option for your company?

Florence Raynal, Head, European and International Affairs, CNIL (Data Protection Commission), France

Parallel Session 2: The new Information Commissioner's agenda; the new British Standard

Chair: *Valerie Taylor, Consultant, Privacy Laws & Business, UK*

11.00 Consultation on setting the agenda for the new UK Information Commissioner

11.30 BS10012: A new British Standard for a Personal Information Management System and its role in risk management

Nicola McKilligan, Data Privacy Consultant, European Privacy Partnership, UK

- Key requirements of the new Standard
- Accountability and Responsibility for compliance
- The role of BS10012 in risk management
- Can you use BS10012 to assess key service providers?

Parallel Session 2: A new privacy accountability tool; privacy notices

Chair: *Laura Linkomies, Editor, Privacy Laws & Business, UK*

12.00 Privacy accountability in HP: How it is defined, measured and the privacy accountability tool we have for making it effective

Daniel Pradelles, EMEA Privacy Officer, Hewlett Packard CCF, France

- Why we need this accountability tool,
- How it was designed,
- What it delivers with screen shots

12.30 The UK Information Commissioner's Privacy Notices Code of Practice

Iain Bourne, Head of Data Protection Projects, Information Commissioner's Office, UK

- What are privacy notices for?
- The problem with gobbledegook
- Transparency and consent
- Collecting information on-line

13.00 Lunch

14.00 How do consumer organisations want to strengthen data protection laws in Europe?

Willemien Bax, Deputy Director General, BEUC, The European Consumers' Organisation, Belgium

- The links between consumer protection and the protection of personal data
- Proposals to make data protection laws work better for consumers
- A role for collective (class) action in 13 member states of the European Union

Parallel Session 1: International

Chair: *Stewart Dresner*, Chief Executive, *Privacy Laws & Business*, UK

14.30 Russia's personal data protection law: Current requirements and changes ahead

Ekaterina Lopatnikova, Associate, CMS International B.V., Russia

- Introduction to personal data protection law in Russia
- Legal mechanisms for data protection
- Concept and obligations of a personal 'data operator'
- Rights of a personal data subject
- Transferring and storing personal data abroad
- Outsourcing. An adequate level of Data Protection
- Definition and legal basis for processing of sensitive data
- Role of Russia's Data Protection Authority
- Notification requirement
- Data systems: Requirements and classification
- Categories of personal data processed in data systems
- Technical measures (encryption/cryptography devices)
- Criminal and civil penalties for infringements
- Anticipated changes in the Russian legislation

15.30 India's new data protection law

Chair: *Marly Didizian*, Partner, Linklaters, UK
Pavan Duggal, Advocate, Supreme Court of India, Delhi, India

- Scope and main provisions
- Civil and criminal penalties
- Impact on outsourcing to India
- Relevance to companies doing business in and with India

16.00 Tea SPONSORED BY DENTON WILDE SAPTE (WWW.DENTONWILDESAPTE.COM)

Parallel Session 1: International

Chair: *James Michael*, *Privacy Laws & Business International*, UK

16.30 Recent developments in Israel's DP regime

Yoram HaCohen, Head of Law, Information and Technology Authority, ILITA, Israel (invited)
Omer Tene, Associate Professor, College of Management, Israel

- New law strengthening ILITA's enforcement powers
- Prospective legislation reforming Israel's DP statute,
- The Israel-Spain EU twinning project
- Israel's request for an 'adequacy' declaration by the European Union's Article 29 Data Protection Working Party and the European Commission
- New legislation on anti-spam, communications data, and biometric ID cards & database
- New jurisprudence on employee privacy

17.10 The new controller-to-processor standard contractual clauses proposed by the International Chamber of Commerce (ICC) to the European Commission for transferring personal data from the European Economic Area to third countries

Chair: *Christopher Kuner*, Partner, Hunton & Williams, Belgium
Bojana Bellamy, Global DP Compliance Lead, Accenture, UK

- Will the Commission approve the clauses?
- Use of the standard contractual clauses in general
- Will the Commission merge the clauses?
- What needs to be done to make them more useable?

17.50 Close

18.30 Drinks and Punting on the River Cam

19.30 Dinner in The Hall

21.00 After Dinner Session: Publicity of MPs' expenses – Why the Freedom of Information Act's transparency principle could apply to any company carrying out contracts with public bodies

James Michael, Editor, *Privacy Laws & Business International Newsletter*, *Privacy Laws & Business*, UK

Parallel Session 2: Surveillance

Chair: *Eugene Oscapella*, Consultant, *Privacy Laws & Business*, Canada

14.30 Surveillance: Citizens and the State

Charles D. Raab, Professor Emeritus and Honorary Professorial Fellow, School of Social and Political Science, University of Edinburgh, UK

Dr. Benjamin Goold, Lecturer in Law and a Fellow and Tutor, Somerville College, University of Oxford, UK

15.15 Employee surveillance in Europe: Balancing privacy rights and management control

Michael Colao, Director of Information Management, Dresdner Kleinwort, UK

Parallel Session 2: Children's Issues

Chair: *Valerie Taylor*, Consultant, *Privacy Laws & Business*

16.30 Communicating with children online – data over-protection?

Kate Brimsted, of Counsel, Herbert Smith, UK
Sue Gold, Executive Counsel, Walt Disney Company, UK

- Validity of/capacity to consent
- Age verification techniques
- Social networking sites
- Commercial sites/marketing to children
- Issues connected with content generated by minors
- Future trends

Parallel Session 2: United Kingdom

Chair: *Valerie Taylor*, Consultant, *Privacy Laws & Business*

17.10 The UK Information Commissioner's Annual Report: Highlights and challenges for the future

David Smith, Deputy Information Commissioner, Information Commissioner's Office, UK

- This session will follow the Commissioner's press conference that morning in London

DAY 3 – WEDNESDAY JULY 8TH, 2009

Value for money privacy in a cost-cutting environment

07.30-08.45 Breakfast in The Buttery

08.30-17.30 Registration in the Fisher Building

09.00 The UK Information Commissioner's new powers and penalties

David Smith, Deputy Information Commissioner, Information Commissioner's Office, UK

- How the ICO will interpret and implement the ICO's new powers in the public and private sectors resulting from the Criminal Justice and Immigration Act and the the Coroners and Justice Bill
- The latest news on powers, penalties and funding for the ICO
- Monetary penalties – how high will the fines go, how will the Commissioner decide on the penalty?
- Assessment notices – what will these mean in practice, what can you expect from the ICO's auditors?
- What else can you expect from a better funded ICO?

09.45 Measuring the effectiveness of data protection/privacy training

Paula Davis, Global Head of Client Services, SAI Global, UK

- Why are we training around Data Protection and can we prove training works?
- What do we hope to achieve? Meaningful behavioural change in employees? A tick in the box?
- Establishing a benchmark, what to measure and how to do it
- Measuring Return on Investment – can we and should we?

10.30 Credit Crunch – Data Crunch

Jenny Moseley, Director, Opt-4, UK

- Can you lawfully use the data in customer retention plans?
- Are ill-considered online data collection strategies and poorly worded data collection statements over-writing previous consent for further direct marketing messages? Can your database cope?
- Are you missing commercial opportunities?

11.00 Coffee

11.30 Consultation: Next generation data protection law in the European Union and the UK

Iain Bourne, Head of Data Protection Projects, Information Commissioner's Office, UK

- RAND review of the Data Protection Directive
- Strengths and weaknesses of the current law
- Possible avenues for reform

12.00 How Barclays is developing its data protection staff awareness programme and lessons learned

Julian Parkin, Group Privacy Programme Director, Barclays, UK

- How the awareness campaign integrates with the other programme workstreams
- Key messages identified – a measurement approach used to assess its effectiveness
- How the awareness toolkit has been rolled out globally
- What has been learned from the global roll-out of the awareness programme?

13.00 Lunch

14.00 The qualities that privacy directors require and the techniques they could use to develop themselves

Cheryl White, Business Coach, Performance Unlimited, Henley On Thames, UK

- Profile and specialisation in coaching. What is coaching in this context and how might it benefit you?
- Overview of Performance Unlimited and our Six Step Model
- What personal change will make the difference in managing your business agenda? Case Study

14.30 Communicating your privacy message effectively

Matt Pepper, Account Director, Blue Goose, London, UK – The creative agency that developed Barclays' privacy campaign

15.00 Privacy skills workshops:

Bring your privacy training programmes and materials for evaluation by the morning's speakers

- Small group sessions based on the previous three presentations, will cover:
Help with defining objectives, creating a strategy and putting your case to top management;
Creating effective communications; Coaching to help you to identify and develop the skills you need

16.00 Close and Tea

Note: Time has been scheduled for discussion in each session. It may be necessary to change the conference content/timing/speakers.



International and European Privacy Officers Networks

THE INTERNATIONAL AND EUROPEAN Privacy Officers Networks provide data protection managers and their lawyers an opportunity to receive Briefings from specialist lawyers and Roundtables with Data Protection Regulators and their senior staff from around the world.

Since the beginning of 2008, members have had meetings with the regulators from Spain, Luxembourg, Poland, Australia, Hong Kong, Japan, New Zealand and Switzerland. The benefits include:

1. Meeting your peer group in the confidential ambiance of a Briefing gives companies an opportunity to informally exchange experience and explore the application of legal norms
2. Meeting Data Protection Commissioners gives both company managers and regulators an opportunity to discuss the practical implications of the legal terms and concepts written into data protection laws
3. Meetings enable both sides to discuss scenarios which tend to reveal the underlying positions and scope for interpreting them
4. The regulators give examples which show that they can exercise discretion regarding certain rules
5. Meeting regulators and their senior staff over a whole day shows the issues on which regulators and companies can agree and reduces the scope of the issues on which they differ
6. Meetings enable regulators and companies to bond together as privacy professionals so that any potential conflict in the future can start from a basis of wanting to find a mutually acceptable solution

EPON Data Protection Commissioner Roundtables

- ▶ Madrid, Spain
- ▶ Rome, Italy
- ▶ Czech Republic, Hungary and Poland in Prague
- ▶ Paris, France
- ▶ Berlin, Germany
- ▶ Dublin, Ireland
- ▶ Greece and Portugal in London
- ▶ Russia's new law with its principal author, London
- ▶ Stockholm, Sweden
- ▶ Helsinki, Finland
- ▶ Brussels, Belgium
- ▶ The Hague, Netherlands
- ▶ Luxembourg
- ▶ Warsaw, Poland
- ▶ Zurich, Switzerland

IPON Roundtables

- ▶ Argentina's Commissioner in Montreux, Switzerland
- ▶ Australia's Commissioner in Montreux, Switzerland
- ▶ BCRs in Washington DC
- ▶ European HR issues in Washington DC
- ▶ Canadian HR issues in Toronto
- ▶ Asia Pacific Briefing, London
- ▶ Asia-Pacific Conference, Strasbourg

Issues Meetings

- ▶ Employee monitoring
- ▶ Data protection training
- ▶ Data protection standards
- ▶ E-marketing
- ▶ Art 29 DP Working Party
- ▶ International data transfers
- ▶ Outsourcing
- ▶ Data breach laws in Europe
- ▶ Data protection management
- ▶ Review of the EU DP Directive
- ▶ Outsourcing projects to India and other countries without a DP law
- ▶ Binding Corporate Rules

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3 meetings and papers
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Next EPON Meetings

ITALY BRIEFING/ROUNDTABLE, OCTOBER 13TH-14TH, ROME

EMPLOYEE SURVEILLANCE IN EUROPE: BALANCING PRIVACY RIGHTS AND MANAGEMENT CONTROL, NOVEMBER 3RD, MADRID

The day before the DP Commissioners' 31st Annual Conference, Madrid

By becoming a member of these Networks, you will be able to better argue your case with top management and privacy regulators based on the confidence that you know what works in other companies. You can protect your company's reputation and secure a defensible position in the event of an investigation or prosecution. Meeting reports are checked by national regulators to give members an authoritative statement of policy.

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- Dresdner Kleinwort
- Ernst & Young
- ExxonMobil
- Fujitsu
- General Electric
- General Motors
- HBOS
- Hewlett Packard
- IMS Health
- Intel
- Johnson & Johnson
- Kodak
- Linklaters
- Lloyds Register
- Manpower
- Microsoft
- Novartis
- Oracle
- PricewaterhouseCoopers
- Procter & Gamble
- Schering-Plough
- Sony

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Sessions by Theme at a Glance

This guide shows sessions dealing wholly or partially with each listed theme. Please note that some sessions appear under more than one heading.

Sessions with regulators and policy makers

Mon 12.10 What the EU has decided on data breach notification and its timetable for action

Mon 15.15 Official openness, private protection

Tues 12.30 The UK Information Commissioner's Privacy Notices Code of Practice

Tues 17.10 The UK Information Commissioner's Annual Report: Highlights and challenges for the future

Tues 16.30 Recent developments in Israel's data protection regime

Tues 11.00 International transfers of personal data: Are Binding Corporate Rules now a viable option? Applying for Binding Corporate Rules (BCR) approval – sharing lessons learned from an applicant's perspective

Wed 09.00 The UK Information Commissioner's new powers and penalties

Wed 11.30 Consultation: Next generation data protection law in the European Union and the UK

Privacy and data protection laws worldwide

Mon 12.20 European Transparency and Privacy: Challenges and opportunities resulting from decisions of the European Court of Justice and the European Court of Human Rights

Mon 15.15 New data protection laws in Germany

Mon 16.20 eDiscovery requirements in the United States v. EU data protection obligations

Mon 17.05 Data protection and government investigations: An irreconcilable conflict?

Tues 09.45 Cloud computing: Balancing the benefits and the risks

Tues 11.00 International transfers of personal data: Are Binding Corporate Rules now a viable option? Applying for Binding Corporate Rules (BCR) approval – sharing lessons learned from an applicant's perspective

Tues 11.40 How US-based Atmel Corporation won its BCR approval and what lessons can be learned for best practice

Tues 12.10 How Accenture won approval for its Binding Corporate Rules in 20 EU countries for transferring personal data to its affiliates around the world

Tues 12.40 Discussion: Are Binding Corporate Rules now a viable option for your company?

Tues 14.30 Russia's personal data protection law: Current requirements and changes ahead

Tues 15.30 India's new data protection law: What you need to know

Tues 16.30 Recent developments in Israel's data protection regime

Tues 17.10 The new controller-to-processor standard contractual clauses proposed by the International Chamber of Commerce to the European Commission for transferring personal data from the European Economic Area to third countries

United Kingdom

Mon 15.15 Official openness, private protection

Mon 16.20 The UK National Identity Scheme: Inter-agency access and the challenge of effective internal regulation

Mon 17.00 Playing the identity card: International developments and lessons for the UK identity card scheme

Tues 11.00 Consultation on setting the agenda for the new UK Information Commissioner

Tues 11.30 BS10012: A new British Standard for a Personal Information Management System and its role in risk management

Tues 12.30 The UK Information Commissioner's Privacy Notices Code of Practice

Tues 14.30 Surveillance: Citizens and the State

Tues 17.10 The UK Information Commissioner's Annual Report: Highlights and challenges for the future

Wed 9.00 The UK Information Commissioner's new powers and penalties

Wed 11.30 Consultation: Next generation data protection law in the European Union and the UK

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Data protection management

Mon 09.00 1984 + 25 years: Identity management and how to avoid a digital electronic society

Mon 10.00 Privacy as a business risk for top management – compliance in the credit crunch

Mon 10.15 We've had a data breach – what now? What happens when your company faces a security breach

Mon 11.30 Google: a year in the eye of the privacy storm

Mon 13.45 Demonstration: Summit Privacy Resources

Summit Privacy Resources' unique database helps organizations determine quickly local compliance requirements in jurisdictions around the world, spot possible compliance issues, and simplify the development of global privacy approaches www.summitprivacy.com

Mon 14.00 Running a privacy program in a challenging economy

Mon 14.40 Online behavioural advertising: When does active targeting become intrusive?

Tues 09.00 The rise of privacy advocates and the implications for government and business

Tues 09.45 Cloud computing: Balancing the benefits and the risks

Tues 11.00 International transfers of personal data: Are Binding Corporate Rules now a viable option? Applying for Binding Corporate Rules (BCR) approval – sharing lessons learned from an applicant's perspective

Tues 11.40 How US-based Atmel Corporation won its BCR approval and what lessons can be learned for best practice

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Tues 12.40 Discussion: Are Binding Corporate Rules now a viable option for your company?

Tues 11.30 BS10012: A new British Standard for a Personal Information Management System and its role in risk management

Tues 12.00 Privacy accountability in HP: How it is defined, measured and the privacy accountability tool we have for making it effective

Tues 12.30 The UK Information Commissioner's Privacy Notices Code of Practice

Tues 15.15 Communicating with children online: Data over-protection?

Tues 16.30 Employee surveillance in Europe: Balancing privacy rights and management control

Tues 17.10 The new controller-to-processor standard contractual clauses proposed by the International Chamber of Commerce to the European Commission for transferring personal data from the EEA to third countries

Wed 09.45 Measuring the effectiveness of data protection/privacy training

Wed 10.30 Credit crunch – data crunch

Wed 12.00 How Barclays is developing its data protection staff awareness programme and lessons learned

Wed 14.00 The qualities that Privacy Directors require and the techniques they could use to develop themselves

Wed 14.30 Communicating your privacy message effectively

Wed 15.00 Privacy skills workshops

Sessions with consumer organizations and academics

Mon 16.20 The UK National Identity Scheme: Inter-agency access and the challenge of effective internal regulation

Mon 17.00 Playing the identity card: International developments and lessons for the UK identity card scheme

Tues 09.00 The rise of privacy advocates and the implications for government and business

Tues 09.45 Cloud computing: Balancing the benefits and the risks

Tues 14.00 How do consumer organizations want to strengthen data protection laws in Europe?

Tues 14.30 Surveillance: Citizens and the State

Tues 16.30 Recent developments in Israel's data protection regime

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- London Underground
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- JP Morgan Chase
- PricewaterhouseCoopers
- MCI Worldcom
- IMS Health
- Sainsburys
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Data Breach Notification Laws in Europe The Report

The report follows the lines of the questions in the survey on the opposite page. The national DPAs which cooperated in the survey are shown on the panel on this page. Additional sections in the report cover:

- ▶ Is a national data breach law a good idea?
- ▶ US model: lessons to be learnt
- ▶ Data breach management guidance in other countries
- ▶ A bibliography of information sources with multiple weblinks

The report is available in pdf format with weblinks in the text.

Data Breach Notification Laws in Europe The Report

Results of PL&B's European survey on attitudes of 21 European national Data Protection Authorities towards an EU legal requirement and European national laws on action organisations must take when personal data is lost or stolen.

The report on Switzerland was provided by David Rosenthal, an independent lawyer (www.homburger.ch).

COUNTRIES IN THE SURVEY

- | | | |
|------------------|-------------------|-------------------|
| • Austria | • Hungary | • Portugal |
| • Belgium | • Iceland | • Slovak Republic |
| • Czech Republic | • Ireland | • Spain |
| • Denmark | • Italy | • Sweden |
| • Finland | • Jersey/Guernsey | • Switzerland |
| • France | • Luxembourg | • The Netherlands |
| • Germany | • Poland | • United Kingdom |

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THE DATA BREACH NOTIFICATION LAWS which started in California, and have now spread over most of the USA, have provided a stimulus to companies doing business there to take the protection and use of the personal data in their care with much greater seriousness and commitment realising that their companies' reputations are at stake.

In Europe, with national data protection laws already in place, as early as 1973 in Sweden, data security remains just one element of their comprehensive coverage. Notifying a national Data Protection Authority when personal data has been lost or stolen has now come onto their agenda. Notification of data breaches provides an instrument to assist them and financial regulators to enforce the national data protection laws.

In the last two or three years, the question of whether the European Union should legislate on notifying data breaches has become an issue of conflict at the heart of the E-Privacy Directive. What constitutes a security breach, to whom should notification apply, and what should companies do?

Several questions arise which form the core of the Data Breach Survey conducted by *Privacy Laws & Business* among 21 national Data Protection Authorities since January 2008. They can be summarised as follows:

- ▶ What data breach notification law is currently in place in your country?
- ▶ Do you as a Data Protection Authority (DPA) consider there to be a demand in your country for more explicit data breach laws?
- ▶ What should be the purpose and scope of data breach laws in your country?
- ▶ What powers would your DPA be seeking in a national law?

The full list of questions is below.

- ▶ The latest news on how the EU's E-Privacy Directive will cover data breach requirements.
- ▶ Which organisations?
- ▶ What is a data breach?
- ▶ Who to report to?
- ▶ Have US laws set a trend for Europe? Are the current data protection laws sufficient?
- ▶ Is there a need for specific legal provisions in Europe at EU and national level, on action to be taken when personal data is lost or stolen?
- ▶ Advantages and disadvantages of data breach notification provisions for DP authorities, companies and individuals.
- ▶ What would be an appropriate and proportionate response for data subjects?
- ▶ Next steps for data breach notification at EU and national levels across Europe

Report Fee
£200 +15% VAT

QUESTIONS IN THE SURVEY

A. Current Data Breach Laws in your Country, if any

- ▶ What law, if any, is currently in place in your country?

B. Demand for Data Breach Laws, if any

- ▶ Do you as a DPA consider there to be a demand in your country for more explicit data breach laws?
- ▶ Do you think a specific national law dealing with data breaches is necessary or is there enough 'related law' to achieve maximum protection against data breaches? Is the current problem of the loss or theft of personal data in your country at such a level to justify a national law?
- ▶ In light of the adoption of data breach law in US, to what extent do you think your country should be following this example?
- ▶ Do you consider existing data security provisions of your national Data Protection law sufficient?

C. Purpose and Scope of Data Breach Legislation

- ▶ Should data breach law be consistent across the EU but have scope for national implementation to reflect national needs?
- ▶ Do you think the scope of data breach law should include not only controllers but also processors? For example during the course of credit card transactions.
- ▶ What do you consider to be the positive and negative impact of a national data breach law on data subjects?
- ▶ Do you think that a national data breach law would help protect personal data more than current provisions?
- ▶ What would be the expected impact of a data breach law? For example, to what extent do you think that national legislation dealing with data breaches will:

(a) Help restore confidence and

(b) Force businesses to take data breaches more seriously?

- ▶ To what extent do you agree that the implementation of a national law will strengthen data security but restrict the free flow of data between both member states and third countries not in the European Economic Area?

D. Legal Provisions to be included in a Data Breach Law

- ▶ Would it be enough to incorporate data breach law into other related areas of law such as theft or will it be necessary to move further than this and create a distinct piece of legislation?
- ▶ What powers would your Data Protection Authority be seeking in a national law?
- ▶ Would you expect your new legal provisions to cover both public and private sectors?
- ▶ What would your DPA want from a national law?
- ▶ What would your DPA want a national data breach law to do in practice?
 - Compensation to individuals
 - Notifying the authorities of any breaches (if not the DPA, which authority?)
 - Notifying customers
 - Notifying staff
 - Media plan
 - Other, please specify

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- Mon July 6th Tues July 7th Wed July 8th
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Data Protection Authority Prices

- 3 Day Conference & Papers *including all meals for duration of the conference* **£1,175 GBP +15% VAT (£1,351.25)**
 2 Day Conference & Papers *including lunch both days & dinner on the middle evening* **£800 GBP +15% VAT (£920)**
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