



Integrating privacy into your compliance program in Israel

Conference: 25th October 2010, Ra'anana, near Tel Aviv, Israel

ATTENDING THIS CONFERENCE will help you reduce your legal risks and costs from failure to comply with the Protection of Privacy Act. The risks result from Israel's Information and Technology Authority's (ILITA) stronger enforcement powers and increased enforcement activity in the form of increased fines, audits, proposed data security regulation, and class actions.

09.00 Registration and Coffee

09.25 Welcome

Orly Friedman Marton, Legal Counsel & Corporate Social Responsibility Lead, Microsoft, Israel

09.30 Introduction

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

09.40 How Israel's protection of privacy regime compares with the EU's data protection law model

Dr Omer Tene, Senior Lecturer, School of Law, College of Management, Israel

Data protection on the books

- ▶ Scope and definitions
- ▶ Substantive principles
- ▶ Cross border data flows
- ▶ Individual rights

Data protection on the ground

- ▶ Enforcement
- ▶ Empirical evidence (The public sector, websites)
- ▶ The privacy profession

10.00 Replacing registration with an information management framework

Amit Ashkenazi, Head of the Legal Department, the Israeli Law, Information and Technology Authority (ILITA), Tel Aviv

- ▶ Elements of good information management according to Israeli law
- ▶ Information management as an element of accountability
- ▶ The advantages of good information management compared with ILITA's current registration system
- ▶ Timetable for change

10.20 The integration of privacy compliance and data security programs with a focus on collection and use of marketing data

Pini Azaria, Advocate, Jacoby, Azaria & Co., Tel Aviv

- ▶ The effect of recent developments in privacy and related laws on marketing practices
- ▶ Marketing regulation - a burden or an opportunity?
 - Devising an efficient compliance strategy
 - Custom made vs. tailor made solutions
- ▶ Efficient compliance strategies
 - From data security to data protection
 - Privacy compliance and risk management in marketing practices
 - Using privacy and telecom regulation as an opportunity

10.40 Getting organised to comply with the new anti-spam legislation (Amendment number 40 to the Telecommunications Act)

Dan Or-Hof, Partner, Pearl Cohen Zedek Latzer, Herzelia Pituach

- ▶ Understanding the law's implications for marketing via e-mail, SMS, fax, and automatic dialling systems.
- ▶ Definition of a commercial message and rules on who you can send them to
- ▶ Court decisions on complaints against companies
- ▶ Unclear provisions and discrepancies in the law.
- ▶ How to conduct e-mail marketing to prevent spam complaints
- ▶ How to keep up to date on case law on information privacy and commercial marketing issues.

11.00 Revising the transfer abroad regulations

Amit Ashkenazi, Head of the Legal Department, the Israeli Law, Information and Technology Authority, Tel Aviv

- ▶ Overview of the current legal requirements on outsourcing and transfers of personal data from Israel
- ▶ The contract and accountability options:
A comparative view of the European Union, Canadian and Asia-Pacific APEC models for regulating the transfer of personal data abroad to countries without a comparable privacy legal framework
- ▶ ILITA's proposals for changing the law on transferring personal data from Israel to other countries based on a position between the EU and the Canadian models
- ▶ Timetable for change

11.15 Discussion

11.30 Coffee Break

11.55 The challenges of outsourcing and other forms of international transfers via cloud computing

Dr Omer Tene, Senior Lecturer, School of Law, College of Management, Israel

- ▶ What is cloud computing?
- ▶ Recurring data protection issues
 - Jurisdiction and applicable law
 - Security
 - Disclosure
- ▶ Contracting in the cloud

12.15 Cloud computing: Challenges and opportunities

Mike Hintze, Associate General Counsel, Microsoft, USA

12.30 Discussion

12.45 Employee issues: Workplace IT use and privacy policy – Planning and results

Gil Granot-Mayer, General Counsel, Yeda Research and Development Co., (Technology Transfer from the Weizmann Institute of Science), Rehovot

- ▶ Commercial rationale for YEDA's combined Workplace Technological Tools Usage and Privacy Policy and its role in protecting YEDA's intellectual property assets
- ▶ Defining the scope of the policy
- ▶ Winning employees' acceptance of the policy and securing their written agreement to comply with these terms
- ▶ Data retention policy and the need to preserve evidence
 - Responding to requests for discovery in the context of civil litigation, most often under US E-Discovery requests
 - Responding to requests for information in the context of enquiries regarding employment issues, such as harassment
 - Responding to requests for information in the context of criminal law enquiries from the police or national security agencies
- ▶ Updating the policy in the light of experience

13.05 The role of Israel's National Labor Court in resolving cases involving the protection of privacy in the work place

Judge Stephen J. Adler, President, National Labor Court, Jerusalem

13.35 Discussion

13.45 Lunch

14.45 Enforcing the privacy law

Mili Bach, Head of the Enforcement and Investigations Department, ILITA, Tel Aviv

- ▶ ILITA's informal guidance
- ▶ ILITA's civil and criminal investigation powers
- ▶ Sanctions now and in the future

15.05 Discussion on enforcing privacy law in Israel

Simultaneous English-Hebrew and Hebrew-English interpretation will be available.

Conference Host: **Microsoft®**

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15.15 Current experience and future prospects for class actions in privacy cases

Dan Hay, Advocate, Dan Hay & Co. Ramat Gan, and Chair, Privacy Committee, Israel's Bar Association

Noam Shechner, Advocate, I. Aviram & Co., Ramat Gan

- ▶ Need to be aware of the high risk of a class action in a privacy case (Dan Hay)
- ▶ How the consumer class action law is used in privacy cases (Noam Shechner)
- ▶ The class action process (Noam Shechner)
 - Selecting the appropriate court
 - The basis for calculating monetary and non-monetary damages
 - Negotiating a settlement
- ▶ The importance of stopping the damage (Dan Hay)
 - Whether to admit fault?
 - The need for an operational response
 - Presenting your case in the media
- ▶ Negotiating a formula for distributing the damages (Noam Shechner)
- ▶ What can we learn from the SMS case? (Dan Hay)

15.45 Discussion on the scope for class actions in Israel

15.55 Close of plenary session

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

16.00 Parallel session options

- ▶ Managing conflicting data protection/privacy law requirements in banking: Banking secrecy, anti-money laundering, data sharing and other conflicts
Vivienne Artz, Managing Director, Head of Intellectual Property and Technology Legal (International), Citi, London
- ▶ Consent for clinical trials: Bringing privacy values into the ethical approval process
Aryeh Friedman, Chief Privacy Officer, Vice President and Assistant General Counsel, Pfizer Inc. USA
- ▶ Communicating with children online
Eyal Roy Sage, Advocate, Amar Reiter Jeanne Sage Cohen & Co., Ramat Gan
Orly Friedman Marton, Legal Counsel & Corporate Social Responsibility Lead, Microsoft, Israel

17.00 Close

In just one day, you will learn from Israel's privacy regulators about your legal duties under Israel's Protection of Privacy Act and how the law is changing, how it is interpreted by the President of the National Labour Court, discuss your issues with specialist lawyers, benchmark your practices against those of in-house counsel from Israel and abroad, and gain the skills to enable you to prepare your own compliance action plan.

Future Privacy Officers Network Events

Portugal Roundtable – November 24th/25th 2010, Lisbon, Portugal

Briefing: *Magda Cocco*, Partner, Vieira de Almeida & Associados

Roundtable: *Dr. Luis da Silveira*, Chair, Comissão Nacional de Protecção de Dados

UK Information Commissioner Roundtable – 27th January 2011, London, UK

A members-only discussion in the morning, and *Christopher Graham*, the Information Commissioner, will discuss our questions during the afternoon.

Host: Latham & Watkins, London

Lawyers Briefing & Commissioner's Roundtable – April 5th/6th 2011, Paris, France

Briefing & Host: Bird & Bird, Paris; Roundtable Host: Total, Paris

Detailed programmes at: www.privacylaws.com/epon

About Privacy Laws & Business

Privacy Laws & Business has been providing data protection newsletters, conferences, advice and consultancy, privacy laws audits, and in-house training for over 23 years. The *Privacy Laws & Business* team works in a co-operative spirit with Privacy Commissioners worldwide and privacy policy staff in international organisations.

Privacy Laws & Business client companies include the UK Top Ten, 8 of the Global Top 10 and 7 of Europe's Top 10 in the *Financial Times* lists; 10 of the US Top 20 in the *Fortune* list; and 70% of the top 20 law firms in London and UK Legal 500 lists.

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**PL&B 24TH ANNUAL INTERNATIONAL CONFERENCE:
11-13 July 2011, St. John's College, Cambridge**

Registration Form

October 25th 2010, Tel Aviv, Israel

- I wish to attend this meeting **£500**
- I am a Privacy Officers Network member (fee paid)
- National DP Authorities and other regulators **£200**
- Conference report and slides for non-participants (participants will receive report and slides) **£100**

November 24/25th 2010, Lisbon, Portugal

- I wish to attend this meeting **£675 +17.5% VAT**
- I am a Privacy Officers Network member (fee paid)
- Annual Privacy Officers Network Membership**
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Other membership options: www.privacylaws.com/epon

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