



[Draft program]

Privacy Laws & Business European Privacy Officers Network

LISBON Briefing

24th November, 2010

(Morning)

(09.00) **1. REGISTRATION**

(09.30) **2. BEGINNING OF BRIEFING**

- Beginning of session, by Stewart Dresner (*Privacy Law and Business*) and Magda Cocco (VdA Partner responsible for Data Privacy)

3. DATA PRIVACY IN PORTUGAL

(09.50) ● General overview of the Portuguese data privacy scene

- Top data privacy issues in Portugal:

(10.00) (a) Specific data privacy issues in Portuguese legislation:

Liability in Data Processing - distinction between data controller/data processor (who is liable?)

(10.15) (b) Portuguese Data Privacy Authority (CNPD) - powers and practices

(10.30) (c) Database management - legal and practical issues concerning data retention periods and deletion of data

(10.45) (d) Processing of personal data for marketing purposes;

(11.00) (e) Specific practical issues regarding particular sectors
(for example, telecommunications, pharmaceutical services, financial services)

(11.15) **Coffee Break**

(11.30) **4. PRIVACY CHALLENGES FOR HUMAN RESOURCES COMPLIANCE**

- Intervention by Jacinto Moniz de Bettencourt (Uría Menéndez Lisboa) on whistleblowing procedures, harassment policies and Internet and e-mail monitoring

(12.15) **5. OUTSOURCING**

- Negotiating privacy aspects of an outsourcing agreement

(12.45) **6. WHY YOU SHOULD CARE – A PRACTICAL APPROACH TO DATA PRIVACY ISSUES**

- Guest speaker(s) intervention on data privacy impact on a specific sector:
 - (i) Marketing and customer/profile data in the pharmaceutical industry
 - (ii) Employment issues and employee monitoring in banking and financial services

(13.15) **Lunch**

(Afternoon)

(14.15) **7. DATA PRIVACY ISSUES IN INTERNATIONAL DATA TRANSFERS**

- General Overview of the legal scene
- Binding Corporate Rules/EU Standard Contractual Clauses/Intra-Group Agreements



- International data transfer to African Portuguese speaking countries – main issues and local data privacy legislation in Angola, Mozambique and the Cape Verde Islands

(15.00) **8.**

HOW TO PREPARE FOR INSPECTIONS, AUDITS AND DAWN-RAIDS BY CPND

- CNPD inspections – how does the CNPD decide who to inspect?
- Who should be responsible in your company?
- Preparing a plan

(15.45)

Coffee Break

(16.00) **9.**

Q & A SESSION

Open Q&A session to speakers regarding the topics covered in the briefing

For example:

- What kind of data security should my company adopt?
- What should we do if a laptop computer with personal data is lost or stolen?
- How should I add data privacy to our current audit program?
- How should I respond if the police requests access to telecommunications and/or e-mail records?
- How can I persuade management to put privacy on their agenda?
- Do I need to appoint a Data Protection Officer? If so, what is their role?

(17.30)

10. CLOSE OF BRIEFING



Privacy Laws & Business Privacy Officers Network
Portugal Data Protection Commission Roundtable
25th November 2010, Lisbon

Roundtable Draft Agenda

Host: Comissão Nacional de Protecção de Dados, Lisbon

9.00 Registration

9.20 Welcome and introduction

Dr. Luís Novais Lingnau da Silveira, Chairman, Comissão Nacional de Protecção de Dados

Stewart Dresner, Chief Executive, Privacy Laws & Business and Chair for the Roundtable

9.30 Framework for the Commission's decision making

- The constitution, the law and the Commission's codes and guidance
- Human resources
- Notification fees and the transition from paper to online notification to the Commission

A speaker, Comissão Nacional de Protecção de Dados, Lisbon

10.00 Employment issues

- The Commission's new policy on whistle blowing: A framework for responsible confidential but not anonymous allegations to permit a right of response by the accused
- Health records and use for management of fitness to work and absence from work
- Drug and alcohol use records: Criteria for an acceptable access and use policy according to relevance to an individual's role within the organization; and distinction between working time and out of work behaviour

A speaker, Comissão Nacional de Protecção de Dados, Lisbon

Questions and answers

11.00 Coffee

11.20 Surveillance

- E-mail and Internet monitoring in the work place
- Telephone monitoring in the work place
- Monitoring of business and private calls using a company mobile phone or other mobile device
- Tracking of mobile phones and their location in working and non-working hours
- Call centres

- Video surveillance
- Duties of controllers and processors
- Monitoring using biometric monitoring, for example, fingerprint, palm and iris scanning

A speaker, Comissão Nacional de Protecção de Dados, Lisbon

Questions and answers

13.00 Lunch

14.00 International transfers of personal data outside the European Economic Area

- The Commission's view of the Binding Corporate Rules mutual recognition procedure and other countries' Data Protection Authorities' approval of Binding Corporate Rules
- Rationale for the Commission's policy for European Union model contracts and inter-group agreements
- Duties of controllers and processors
- The US Safe Harbor program
- A company designating a processing operation "adequate" even though it is not in a country declared to be "adequate" by the European Commission (EU Data Protection Directive Art 26.2 – interpretation of “adequate safeguards”)

A speaker, Comissão Nacional de Protecção de Dados, Lisbon

Questions and answers

15.30 Tea

15.50 Enforcement

Data Protection Commission inspections

- How does the Commission decide which organisations to inspect?
- When does the Commission give advance notice and not do so?
- Which type of people are in the Commission's inspection team?
- How much time does an inspection take?
- Does the inspected organisation have an opportunity to comment on the draft report?
- In which circumstances will the Commission decide to make recommendations rather than impose a sanction?
- If the Commissioner imposes a fine, how can the company appeal?
- Will the inspection report be published and, if so, how, for example, the Commission's annual report, website?
- In what circumstances does the Commission delegate its power of inspection to the police?

Questions and answers

Data Protection Commission prosecutions

- In what circumstances does the Commission start a prosecution?
- How can a company defend itself?

Questions and answers

Data Protection Commission non-authorisation of a type of processing

- If the Commission refuses to authorize a type of processing (making it illegal), how can a company appeal?
- If the Commission uses its power to shut down a database, how can a company appeal?
- If a company applies for Commission authorisation to start a type of processing, for example, video surveillance, what should it do if it has not received a reply within a period of, for example, three months?

A speaker, Comissão Nacional de Protecção de Dados, Lisbon

Questions and answers

16.30 Questions and Answers on other issues

17.00 Close

Notes

1. Registration information is at http://www.privacylaws.com/Documents/EPON/epon_flyer.pdf
2. This draft agenda is correct as at 20th August 2010.

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