



## Portugal's Data Protection Law Lawyers' Briefing & Roundtable with DP Commissioners

**A**TTENDING THIS BRIEFING AND ROUNDTABLE will help you to protect your reputation and reduce your legal risks and costs from failure to comply with Portugal's data protection law, which differs from some EU Member States. You will learn about strong Data Protection Commission policies on, for example: whistle blowing, drug and alcohol use records, e-mail, Internet and video monitoring in the workplace, and international transfers of personal data.

### Briefing Agenda 24th November, 2010, Lisbon, Portugal

#### 09.00 Registration and Coffee

#### 09.30 Welcome and Introduction

*Magda Cocco, Partner, Vieira de Almeida & Associados, Portugal  
Stewart Dresner, Chief Executive, Privacy Laws & Business, UK*

#### 09.50 Data privacy in Portugal

*A Speaker, Vieira de Almeida & Associados, Portugal*

- ▶ General overview of the Portuguese data privacy scene
- ▶ Top data privacy issues in Portugal:  
Specific data privacy issues in Portuguese legislation;  
Processing of personal data for marketing purposes;  
Database management – legal and practical issues concerning data retention periods and deletion of data;  
Portugal's Data Privacy Authority – powers and practices  
Specific practical issues regarding particular sectors (e.g., telecoms, pharmaceutical, financial services)

#### 11.15 Coffee Break

#### 11.30 Privacy challenges for human resources compliance

*Jacinto Moniz de Bettencourt, Attorney, Uría Menéndez, Lisboa*

- ▶ Whistleblowing procedures
- ▶ Harassment policies
- ▶ Internet and e-mail monitoring

#### 12.15 Outsourcing

*A Speaker, Vieira de Almeida & Associados, Portugal*

- ▶ Negotiating privacy aspects of an outsourcing agreement
- ▶ Liability in data processing – distinction between data controller/data processor (who is liable?)

#### 12.45 A practical approach to data privacy issues

*Company Speakers*

- ▶ Marketing and customer/profile data
- ▶ Processing of clients' personal data in banking and financial services

#### 13.15 Lunch

#### 14.15 Data privacy issues in international data transfers

*A Speaker, Vieira de Almeida & Associados, Portugal*

- ▶ 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 data privacy law in Angola, Mozambique and the Cape Verde Islands

#### 15.00 How to prepare for inspections, audits and dawn raids by Portugal's Data Protection Authority (CPND)

*A Speaker, Vieira de Almeida & Associados, Portugal*

- ▶ How does the CNPD decide who to inspect?
- ▶ Who should be responsible in your company?
- ▶ Preparing a plan

#### 16.00 Coffee Break

#### 16.15 Questions & Answers

Open Q&A session to speakers, 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 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?

#### 17.00 Close

Host:  **VIEIRA DE ALMEIDA**  
& Associados Sociedade de Advogados, R.L.

### Future Privacy Officers Network Events

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

Israel's Law, Information & Technology Authority speakers: *Amit Ashkenazi*, Head, Legal Dept., and *Mili Bach*, Head of Enforcement & Investigations

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

A members-only discussion in the morning, *Christopher Graham*, the Information Commissioner, discusses questions in the afternoon. Host: Latham & Watkins

**Lawyers Briefing & Commissioner Roundtable – April 5th/6th 2011, Paris, France**  
Briefing & Host: Bird & Bird, Paris; Roundtable Host: Total, Paris

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# Roundtable Agenda 25th November, 2010, Lisbon, Portugal

## 09.00 Registration

## 09.20 Welcome and Introduction

*Dr. Luís Novais Lingnau da Silveira*, President, Comissão Nacional de Protecção de Dados (CNPd); *Stewart Dresner*, Chief Executive, *Privacy Laws & Business*, UK and Chair for the Roundtable

## 09.30 Framework for the Commission's decision making

*Izabel Cruz*, Secretary General, CNPD, Lisbon

- ▶ 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

## 10.00 Employment issues

*Sónia Sousa Pereira*, Legal Service, CNPD, Lisbon

- ▶ 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

## 10.40 Questions & Answers

## 11.00 Coffee Break

## 11.20 Surveillance

*Dr. Luís Novais Lingnau da Silveira*, President, CNPD, Lisbon

- ▶ 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

## 12.20 Questions & Answers

## 13.00 Lunch

## 14.00 International transfers of personal data outside the European Economic Area

*Clara Guerra*, Consultant, International Relations, CNPD, Lisbon

- ▶ The Commission's view of the Binding Corporate Rules (BCR) mutual recognition procedure and other countries' Data Protection Authorities' approval of BCR
- ▶ 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')

## 14.50 Questions & Answers

## 15.30 Coffee Break

## 15.50 Enforcement: Inspections & Prosecutions

*Carlos Campos Lobos*, Commissioner, CNPD, Lisbon

- ▶ How does the Commission decide which organisations to inspect?
- ▶ When does the Commission give advance notice and when does it not do so?
- ▶ Who 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 a fine is imposed, 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?
- ▶ In what circumstances does the Commission prosecute?
- ▶ How can a company defend itself?

## 14.00 Enforcement: Non-authorisation of a type of processing

*Vasco Almeida*, Commissioner, CNPD, Lisbon

- ▶ 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?

## 16.30 Questions & Answers

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

## 17.00 Close

Host: **Comissão Nacional de Protecção de Dados (CNPd)**

### Previous Privacy Officer Network Roundtables

- ▶ Madrid, Spain
- ▶ Rome, Italy
- ▶ Czech Republic, Hungary and Poland in Prague
- ▶ Paris, France
- ▶ Berlin and Frankfurt, Germany
- ▶ Dublin, Ireland
- ▶ Greece and Portugal in London
- ▶ Russia's new law, London
- ▶ Stockholm, Sweden
- ▶ Helsinki, Finland
- ▶ Brussels, Belgium
- ▶ The Hague, Netherlands
- ▶ Luxembourg
- ▶ Warsaw, Poland
- ▶ Zurich, Switzerland
- ▶ London, United Kingdom
- ▶ Argentina's Commissioner in Montreux, Switzerland
- ▶ Australia's Commissioner in Montreux, Switzerland
- ▶ BCRs, Washington DC
- ▶ European HR issues, Washington DC
- ▶ Canadian HR issues, Toronto
- ▶ Asia Pacific Briefing, London
- ▶ Asia-Pacific Conference, Strasbourg

# 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.

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- I wish to attend this meeting **£500**
- National DPAs and other regulators **£200**
- I am a Privacy Officers Network member (fee paid)

### November 24th/25th 2010, Lisbon, Portugal

- I wish to attend this meeting **£675 +17.5% VAT**
- I am a Privacy Officers Network member (fee paid)

### January 27th 2011, London, UK

- I wish to attend this meeting **£675 +17.5% VAT**
- I am a Privacy Officers Network member (fee paid)

### April 5th/6th 2011, Paris, France

- I wish to attend this meeting **£675 +17.5% VAT**
- I am a Privacy Officers Network member (fee paid)

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