



### Israel Roundtable October 25th, Tel Aviv

Privacy managers and legal advisors for companies doing business in Israel need to understand the national privacy law and how it affects their operations. This event will help companies adopt a compliance programme in Israel consistent with their operations in the European Union (EU) and other countries with data protection and privacy laws.

The EU's Art. 29 Data Protection Working Party announced on 6th January 2010 that it has decided that Israel's law guarantees an adequate level of protection for international data transfers. This assessment was made on the basis of several factors including the Basic Law, the Protection of Privacy Act 1981, case law and the independent status of Israel's Law, Information and Technology Authority (ILITA).

Two speakers from ILITA are: *Amit Ashkenazi*, the Head of the Legal Department, on how Israel's law is being amended to strengthen ILITA's enforcement powers, and *Mili Bach*, the Head of the Enforcement and Investigations Department, on recent cases in which ILITA has taken enforcement action based on its strong civil and criminal powers, and how ILITA's new stronger powers will be used in the future.

Other sessions include: How Israel's privacy law compares with the EU data protection law model, presented by *Dr. Omer Tene*, Associate Professor, School of Law, College of Management, Israel; How Israel's National Labor Court resolves cases involving both labour law and the Protection of Privacy Act 1981, presented by *Judge Stephen J. Adler*, President, National Labour Court, Israel.

Roundtable Host: **Microsoft®**

### Portugal Roundtable Nov 24th/25th, Lisbon

Briefing: *Magda Cocco*, Partner, Vieira de Almeida & Associados;  
Roundtable: *Dr. Luis da Silveira*, Chair, Comissão Nacional de Protecção de Dados and other members of the commission.

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

## Privacy Officers Network Germany's Data Protection Law

Lawyers' Briefing & Roundtable  
with Data Protection Commissioners

June 1st/2nd, Frankfurt, Germany

Register for this event and get more information at  
**[www.privacylaws.com](http://www.privacylaws.com)**

**ROUNDTABLE PROGRAMME**

12 CONTINUING PROFESSIONAL DEVELOPMENT HOURS

# Briefing Agenda

1st June, 2010, Frankfurt, Germany  
(All 1st June sessions in English)

**08.00** Registration

**09.00** Welcome

Host: *Dr. Sabine Grapentin*, Partner, Noerr LLP, Frankfurt

**09.05** Introduction

Chair: *Stewart Dresner*, Chief Executive, PL&B

**09.15** Impact on business of the European Court's decision of 9th March 2010 that Data Protection Authorities in Germany should be more independent

Brief comments by all speakers

**09.30** Employee data protection issues, including surveillance of workers and workers councils

- ▶ The new provision on employee data protection (Section 32 Federal DP Act) – how much has changed?
- ▶ Implications of Section 32 for the surveillance of employees and the detection of criminal offences and cases involving administrative offences
- ▶ Implications of Section 32 involving breach of an organisation's internal guidelines
- ▶ Section 32 and compliance requirements
- ▶ Latest developments

*Dr. Sabine Grapentin*, Partner, Noerr LLP, Frankfurt

**10.30** Coffee

**11.00** The new German data breach notification obligation (Section 42a BDSG)

- ▶ Types of data and threats of serious adverse effects
- ▶ Notifying data subjects and the DP Authority
- ▶ Comparison with US state laws, the EU ePrivacy Directive and the revised Austrian Data Protection Act
- ▶ Implementation of breach notification compliance

*Dr. Ulrich Wuermeling*, Partner, Latham & Watkins LLP, Frankfurt

**12.00** International transfers of personal data including the new Section 11 requirements on data processor agreements

- ▶ The new requirements of Section 11 for data transfer agreements
- ▶ The updated standard contractual clauses for the transfer of personal data to processors established in non-EU countries
- ▶ Controller to controller transfers versus transfers to data processors – is there a choice and which alternative is preferable?
- ▶ Implications of the amended law for international outsourcing agreements
- ▶ Monitoring and documentation requirements for international data transfers – how should controllers show that processors are sufficiently monitored?

*Dr. Sabine Grapentin*, Partner, Noerr LLP, Frankfurt

**13.00** Lunch

**14.00** Online marketing and web analytics under German privacy law

- ▶ Description of types/functions of web analytics tools
- ▶ Definition of anonymous data (effects of IP address, location identification and cookies)
- ▶ Responsibility for use of web analytic tools and commissioned data processing structures
- ▶ Balance of interest or consent?
- ▶ Solutions for the obligation to notify

*Dr. Ulrich Wuermeling*, Partner, Latham & Watkins LLP, Frankfurt

in a parallel session with:

**14.00** Credit scoring

- ▶ Regulation of scoring according to section 28a of the Federal Data Protection Act vs. section 10 Germany's Banking Act (definition; limitations, complementary effect of both laws)
- ▶ Information duties according to section 6a and 29.7 of the Federal DP Act (new/extended information duties in cases of automated decision-making and rejection of credit applications on the basis of information provided by a credit reference agency)
- ▶ Subject Access Requests according to section 6a and 34.2 of the Federal Data Protection Act (additional rights to receive information about the reason/s for a negative automated decision and about the compilation of scores and their meaning)

*Domenico Romanazzi*, Head, Group Data Protection Office, Deutsche Bank

**15.00** How to conduct internal audits so you are prepared for data privacy and security audits by customers (commissioned data processing) and by Land Data Protection Commissioners (Authorities)

- ▶ Guidelines/check-lists for audits
- ▶ Deciding on the scope of an audit
- ▶ Criteria for reconciling a company's compliance with DP law and the company's business requirements
- ▶ The purpose of face-to-face interviews
- ▶ Identifying boundaries between data privacy and IT-security issues
- ▶ The justification and legal mechanism for conducting an audit at group and affiliate levels

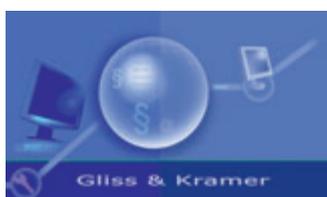
*Hans Gliss and Dr. Philipp Kramer*, Gliss & Kramer, Pulheim/Hamburg

**16.00** Break

**16.30** Other issues and questions to be discussed with the Data Protection Commissioners  
All participants

**17.30** Close

**19.30** Dinner – Più Allegro Restaurant, Frankfurt  
(Details to be sent to everyone attending the dinner)



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# Roundtable Agenda 2nd June, 2010, Frankfurt, Germany

(2nd June sessions in German or English with simultaneous interpretation)

## 08.30 Registration

## 09.00 Welcome

Host: *Christa Menke-Suedbeck*,  
Chief Data Protection Officer, Deutsche Bank

## 09.05 Introduction

Chair: *Stewart Dresner*, Chief Executive, PL&B

## 09.15 New Section 11 BDSG (Germany's Federal Data Protection Act) requirements on data processor agreements and the consequences for international transfers

- ▶ Multilateral agreements incorporating EU model clauses in a group of companies for transferring personal data from the EEA
- ▶ New Section 42a, BDSG obligation to notify unlawful access to data (data breaches)
- ▶ Q&A on new rules on credit information/credit scoring

*Renate Hillenbrand-Beck*, Data Protection Commissioner, Darmstadt, Hessen

Co-chair: *Dr. Ulrich Wuermeling*,  
Partner, Latham & Watkins LLP, Frankfurt

## 11.00 Coffee

## 11.15 International transfers in the wider context, such as coordination with other EU countries on international transfers of personal data

- ▶ The Binding Corporate Rules mutual recognition procedure: current status, problems in some countries and how to overcome them
- ▶ Model contracts
- ▶ The US Safe Harbor programme
- ▶ 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)
- ▶ Data protection compliance in companies, for example, the Berlin Commissioner's fine of 1.1 million Euros on Deutsche Bahn (the national railway company) and what other companies can learn from this experience.

*Dr. Alexander Dix*, Berlin Commissioner for Data Protection and Freedom of Information; Chair, Düsseldorf Kreis's subgroup on transborder data-flows; and Chair, the Berlin Telecommunications Group

Co-Chair: *Dr. Philipp Kramer*, Gliss & Kramer, Hamburg

## 12.45 Lunch

## 13.45 Latest news on the new employee issues chapter in the BDSG (the Federal Data Protection Act).

- ▶ The Federal Minister of Interior, Mr Thomas de Maizière, published on 31st March 2010 a document outlining a new chapter on employees in the DP Act. The perspectives of the Federal Ministries of Interior, Labour and the Federal Data Protection Commissioner
- ▶ Action points for management. Need for co-determination of management and workers councils when considering surveillance of employees including video and private use of e-mails and the Internet

▶ Action points for management's collection and management of health records in the employment context, including pre-employment screening of job applicants, and access to doctors' records regarding employees. Assessing when blood testing is acceptable.

▶ The timetable for adoption of the new chapter and the next steps for implementation of the new rules.

*Bertram Raum*, Employee issues specialist,  
Federal Data Protection Commissioner's Office, Bonn  
Co-Chair: *Hans Gliss*, Gliss & Kramer, Pulheim

## 15.15 Other issues with comments by all Data Protection Authority speakers

The relative merits of a new EU Data Protection Directive, as is possible as a result of Art. 16 (fundamental rights) of the Lisbon Treaty on reform of the EU, or revisions to the current EU DP Directive

European Commissioner, Viviane Reding states:

"We need to clarify the application of some key rules and principles (such as consent and transparency) in practice... We need to ensure that personal data are protected regardless of the location of the data controller... We need to promote Privacy Enhancing Technologies (PETs), by introducing new evolving principles (such as 'privacy by design')... We need to strengthen enforcement."

The EU's Privacy & Electronic Communications Directive:

1. How the data protection commissioners plan to interpret and enforce the requirement to opt-in to receiving a cookie when visiting a website
2. The Data Protection Commissioners' views on the European Parliament's and the Art 29 DP Working Party's support for widening the requirement to report data breaches to Data Protection Authorities "beyond" (in the words of European Commissioner, Viviane Reding) the telecoms and related online services sectors possibly to all sectors.

The European Court's 9th March 2010 decision that the Data Protection Authorities in Germany should be more independent, and implications for their common positions across the country

Land DP Commissioners' audit and fining powers

The Commissioners' attitudes towards the future status of the Madrid Resolution on International Standards on the Protection of Personal Data and Privacy

Co-Chair: *Dr. Sabine Grapentin*, Partner, Noerr LLP, Frankfurt

## 16.00 Close

### Notes

1. Simultaneous German-English and English-German interpretation is generously being provided by Deutsche Bank.
2. Karsten Neumann, Data Protection and Freedom of Information Commissioner, for the state (Land) of Mecklenburg-Vorpommern is attending the Roundtable and will add his comments to the discussion.
3. The registration form is on the back page or on our website at [www.privacylaws.com/documents/EPON](http://www.privacylaws.com/documents/EPON)

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- ▶ Madrid, Spain
- ▶ Rome, Italy
- ▶ Czech Republic, Hungary and Poland in Prague
- ▶ Paris, France
- ▶ Berlin, Germany
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- ▶ Greece and Portugal in London
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- ▶ 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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