9.00. Registration and coffee

9.30. Introduction
Dr. Arwid Mednis, Partner, Wierzbowski Eversheds Sp.k., Warsaw
Stewart Dresner, Chief Executive, Privacy Laws & Business

9.40. Setting the scene
Dr. Wojciech Wiewiórowski, Inspector General, Data Protection Authority, GIODO

The timing and context for this event are:
• Changes to the EU Data Protection legal framework and their impact on companies
• Consultation on the drafting by Poland’s Data Protection Authority, GIODO, of Poland’s new data protection regulations to amend Poland’s current data protection law.

10.00. Privacy in the workplace
Dr. Joanna Tomaszewska, Attorney at Law, Spaczyński, Szczepaniak i Wspólnicy sp.k., Warsaw

1. Basis of the processing of personal data in the workplace
2. Scope of personal data that may be processed in the workplace (personal data of employees and job applicants); background checks, psychological tests and evaluations
3. Use of biometric data for time management – Is it permitted in the workplace?
Supreme Administrative Court decision in 2009 ruling on employees’ consent for the use of such data

10.20. Dr. Patrycja Zawirska, Partner, Raczkowski i Wspólnicy, (a specialist employment law firm) Warsaw

4. Monitoring in the workplace (monitoring of e-mails and use of internet, use of Closed Circuit Television (CCTV) cameras, use of Global Positioning Services (GPS) and in a company vehicle; and similar tracking services;
5. Use of social media
6. Whistle blowing schemes

10.40. Questions and Answers
11.00. Coffee break

11.15. Data security
Maciej Gawronski, Managing Partner, and Emilia Stepien, Senior Associate, Radca prawni/Attorneys-at-Law, Bird & Bird, Warsaw

1. Technical security regulations 2004 out of date
2. Their application to cloud computing and outsourcing
3. Advice on writing a specific Polish security document (security policy and instructions for IT management and staff). How to implement a security policy in practice.
4. Authorisation for the processing of personal data. Who should have such authorisation?
5. For example, authentication of individuals in an online environment; Demonstrating to GIODO adequate authentication of individuals
6. Ensuring technical and organisational security in the processing of personal data in multinational corporations, for example, problem with the regulation’s provision to require company to change their employees’ password every 30 days
7. Verification of security provisions in an outsourcing contract
8. Responding to data breaches? Companies want to have more guidance on “technical and organisational measures” Allocation of responsibilities and creation of an action plan.
9. Data processing agreement (in writing; in case of entrusting data to sub-processors they should be explicitly mentioned in the data processing agreement) – problematic in cloud computing

11.45. Questions and Answers

12.00. Marketing
Dr Arwid Mednis, Partner, Wierzbowski Eversheds Sp.k. Warsaw

1. Implementing the EU E-Privacy Directive including cookies
2. Product launches/list development/contests/competitions
3. Right to be forgotten: An ideal but what does Poland’s law require in practice?
4. Processing of personal data for marketing purposes - data controller’s direct marketing of its own products and services purposes and for others’ marketing purposes; when consent for processing personal data is required/not required; forms of consent
5. Entrusting of the processing of personal data for marketing purposes
6. How personal should marketing messages be? In the on-line world, companies often identify a specific potential customer is (for example, he "likes" a fan page on Facebook); and they are able to present him with a personalised offer of, for example, a credit card with his photo on it - and use an actual photo he previously uploaded. Can a company use this method and, if so, where are the limits?

12.30. Questions and Answers

13.00. Lunch
14.00. Transfers of personal data outside of the European Economic Area
Dr Andrzej Krasuski, International Partner, Chadbourne & Parke LLP, Warsaw

1. Status of EU standard model clauses in Poland. GIODO approves Standard Contractual
   Clauses when examining a data exporter’s request for transfer of data to a third country -
   GIODO requires the applicant to prove that the data importer implements appropriate technical
   measures to secure the imported data.
3. United States Safe Harbor - Polish companies should persuade their US offices to register
   with the US Safe Harbor programme
4. Transfers of personal data within a multinational corporation with operations in several
   countries - troublesome issues.

14.30. Questions and Answers

15.00. Brief statement by each participating company on how it organises its Data Protection
   Officer role in Poland
   • Internal or external appointment
   • Position in the organisation and reporting line within and/or outside Poland
   • Daily tasks and challenges

15.45 Break

16.00 Data Protection Officers and how to achieve compliance in the most effective
   manner?
   Maciej Byczkowski, President and CEO, European Network Security Institute (ENSI) and
   President, Poland’s Data Protection Officers Association (SABI), Warsaw; Dr Grzegorz
   Sibiga, Attorney at Law, Legal expert SABI, Traple Konarski Podrecki & Partners, Warsaw;
   and Marta Siemaszko, Information Security Auditor, ENSI

1. Current role of a Data Protection Officer (DPO) under Polish law
2. How different companies organise this function
   • Appointment: Internal or external appointment; Need for companies to appoint a
     specific person with responsibility for this role?
   • DPO’s position and reporting line in a typical company’s organisational structure
   • Function: Typical daily duties
3. To what extent will Poland follow the German, Slovak or other DPO model?
4. More powers for a DPO?
5. Independent status of a Data Protection Officer?
6. Role of the special Task Force created to draft a new technical security regulation
   (currently chapter 5 in Poland’s data security regulation) with GIODO and other
   participants. Practical problems with the current security regulation and proposed
   changes

16.30. Questions and Answers
17.00. Discussion on the priorities for questions and discussion with GIODO

17.30. Close

19.30. Dinner (venue to be announced)

Day 2: Roundtable with Poland’s DPA, GIODO

Host and Venue: Microsoft, Warsaw
With simultaneous Polish-English and English-Polish interpretation

9.00. Registration and coffee

9.30. Setting the scene
Dr. Wojciech Wiewiórowski, Inspector General, Data Protection Authority, GIODO

1. Current status of Poland’s new data protection regulations to amend Poland’s current data protection law being drafted by GIODO for submission to the legislature
2. Consultation process on the regulations
3. GIODO’s priorities
4. Expected timetable

10.00. Questions and answers

10.15. Registration of Personal Data Filing Systems with GIODO
Michał Baldyga, Head of Personal Data Filing Systems, Registration Department, GIODO

1. Registration with GIODO and exemptions
2. Definition of human resources exemption and how it is interpreted by GIODO
3. Participants’ assessment of the current registration system

10.35. Questions and answers

10.55. Coffee Break

11.15. GIODO inspections, data security, and the role of the Data Protection Officer (DPO)
Bogusława Pilc, Head of Inspection Department, GIODO

1. How GIODO conducts an inspection - Beyond the basic facts of 200 GIODO inspections in 2010
2. Different types of GIODO inspection
   • Specific subject
   • Sectoral inspection
   • Complex inspection
   • Sometimes only in writing
3. Usually the company knows the date of the inspection in advance. Reasons for an inspection without warning
4. Opportunity for the company to review the inspectors’ findings and comment on them?
5. How GIODO publishes the results
6. GIODO’s expectations of a company’s data security organisational and technical measures
7. Any GIODO recommendations on form and content of documents to be used by a DPO?
8. Independent status of the DPO role.
9. Can the DPO role be outsourced? If so, any constraints on this outsourcing?

11.45. Questions and answers

12.00. Enforcement
Monika Krasińska – Head of Jurisdiction, Legislation and Complaints Department, GIODO
Wojciech Trebnio – Head of Enforcement Unit, GIODO

1. Practical GIODO experience of introduction into Polish data protection law, by the amendment of March 2011, of imposition of fines to compel compliance with the GIODO’s administrative decisions
2. Who prosecutes and in which typical circumstances?
3. Explanation of the criminal offences

12.15. Questions and answers

12.30. Collective action
Dr. Wojciech Wiewiórowski, Inspector General, Data Protection Authority, GIODO

1. Any examples of, and potential for, collective (class) action as a means of redress in Poland?
2. A likely future method for individuals to express their interests?
3. GIODO’s position on collective action as a method of redress for individuals in data protection and related cases?

12.45. Questions and answers

13.00. Lunch

14.00 Transfers of personal data outside the European Economic Area
Piotr Drobek, Deputy Head, Social Education and International Co-operation Department, GIODO

1. Changes in Poland’s data protection law Arts. 47.1 and 47.2. on 1st January 2012:
   • New definition of “adequacy” for transferring personal data to 3rd countries
   • New provision on safeguards for transferring personal data to 3rd countries
2. The law and GIODO’s policies on:
   • Applicable law, for example, transfers of personal data to other countries within the European Economic Area (EEA) which is then transferred outside the EEA
   • Binding Corporate Rules and the Mutual Recognition Arrangement (with one lead Data Protection Authority (DPA) and 2 supporting DPAs
• EU model contracts
• GIODO’s attitude to use of United States Safe Harbor by companies in Poland to process personal data (for example, clinical trial data and adverse effects data) on behalf of the controller in the USA and then transferring the data to the USA
• Cloud computing

14.20. Questions and answers

14.35. GIODO’s eastern dimension policy
Urszula Góral, Head of Social Education and International Co-operation Department

1. GIODO’s engagement policy with other countries in the region
2. GIODO’s priorities and impact on companies’ operations in these countries
3. Comments by participants on the revised publication Selected data protection issues: Guide for entrepreneurs, a joint publication by the Data Protection Authorities of Poland, the Czech Republic and Hungary (revised Polish language edition in the first quarter of 2012)

14.50. Questions and answers

15.00 Break

Note: When participants register, they will choose their 1st and 2nd choice parallel sessions and state whether they wish to speak in them.

15.15. Parallel session 1: Financial services
GIODO and other speakers to be announced

• Relationship between data protection and financial services/anti-money laundering laws
• Professional secrecy (e.g. banking, insurance)
• Regulation of outsourcing in the financial services regulations v. processing of personal data (outsourcing contract and issue of limitation of liability)
• Cloud computing in financial services (data protection and financial sector regulations)

15.15 Parallel session 2 - Data protection and labour laws
GIODO and other speakers to be announced

• Conflicts between data protection and labour laws
• GIODO’s approach to various aspects of the processing of personal data in the human resources context
• Can we expect any changes in the law?

15.15 Parallel session 3 - For pharmaceutical/cosmetics companies
GIODO and other speakers to be announced
- Rules for conduct of clinical trials
- Alternative to traditional signature for gaining and giving consent for participation in a clinical trial
- Defining roles of controller and processor. Use of a sub-controller should be specifically mentioned in contract documents.
- Adverse effects reporting by patients, including sensitive data in social media
- Conflicts between data protection and law and practice of bodies established to regulate the conduct of clinical trials. How to resolve these differences?

15.15. **Parallel session 4 - Changes to Poland’s data protection and other laws and their impact on online services**

GIODO and other speakers to be announced

- Expected changes in Poland’s law and the government ministry supervising digital governance:
  - Meaning of consent; How to indicate consent; Default settings
  - Cloud computing
  - Social networking
  - Mobile services

16.30. **The revised European Union Data Protection Directive’s impact in Poland**

Dr. Wojciech Wiewiórowski, Inspector General, Data Protection Authority, GIODO

- The impact of the revised EU Data Protection Directive on Poland’s data protection law
- Reform of Poland’s privacy law in 2012? Main issues and timing
- What will be difference for companies after the new legislation enters into force?

17.00. **Questions and Answers including any remaining from Day 1**

- Privacy in the work place
- Data security
- Marketing
- Transfers of personal data outside the European Economic Area
- Data Protection Officers and how to achieve compliance in the most effective manner?

17.30. **Close**

*Privacy Laws & Business* acknowledges the help of the following in preparing this programme:

1. Dr. Wojciech Wiewiórowski, Generalny Inspektor/Inspector General, Urszula Góral, Head of Social Education and International Co-operation Department, and Piotr Drobek, Deputy Director/Social Education and International Cooperation Department, Ochrony Danych Osobowych (GIODO) /Data Protection Authority, Warsaw
2. Dr Arwid Mednis, Partner, Wierzbowski Eversheds Sp.k., Warsaw
3. Maciej Gawronski, Managing Partner, and Emilia Stepień, Senior Associate, Radca, prawny/Attorneys-at-Law, Bird & Bird Maciej Gawronski sp.k., Warsaw
4. Dr Joanna Tomaszewska, Attorney at Law, Spaczyński, Szczepaniak i Wspólnicy sp.k., Warsaw
5. Dr. Andrzej Krasuski, International Partner, Chadbourne & Parke LLP, Warsaw
6. Marek Matraszek, Director, and Lukasz Jachowicz, Account Manager, CECGR, Warsaw
7. Aleksandra Kiedrowicz-Wywial, Compliance Officer, Pfizer Polska Sp. z o.o., Warsaw
8. Maciej Byczkowski, President and CEO, European Network Security Institute (ENSI) and President, Poland’s Data Protection Officers Association (SABI), Warsaw and Marta Siemaszko, Information Security Auditor, ENSI

24th January 2012
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