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"Very in-depth, not superficial, lively discussion, interesting participants."

KATHARINA WEIMER, REED SMITH

"The presence of the regulators is excellent and a great opportunity to hear the news on our issues. They explained the legislation in less legal and more practical terms, with real life examples."

JENNIFER DUMNE, BARCLAYS

"An open atmosphere for discussion. Very good organisation and food."

DR BARBARA TOMASI, CRO-PHARMANET SERVICES

**Privacy Officers Network
New trends in
Germany's Data
Protection Law**

Roundtable with Germany's Data Protection Authorities

28th-29th April 2014, Munich, Germany

10 CPD HOURS

Register for this event and get more information at www.privacylaws.com/pon38

**UK Roundtable
Next Steps for the
EU DP Regulation**

7th May 2014, London

Learn about and provide input to the UK position at the EU Council of Ministers, and the UK and the European Data Protection Supervisor at the Data Protection Authorities' EU Art. 29 Data Protection Working Party.

David Smith, Director of Data Protection, Information Commissioner's Office
John Bowman, Head of the EU and International Data Protection Policy Team, Ministry of Justice
Anna Buchta, Head of Litigation and Legislative Policy, European Data Protection Supervisor's Office, Brussels

Register for this event and get more information at www.privacylaws.com/pon39

13.30 Registration

14.00 Welcome

Daniel Pauly, Partner, Linklaters LLP, Frankfurt, and
Konrad Berger, Counsel, Linklaters LLP, Munich

14.05 Introduction

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

14.10 Introduction to the work of Bavaria's Data Protection Authority (DPA) for the private sector

Thomas Kranig, President, Bayerisches Landesamt für
Datenschutzaufsicht, Bavaria's DPA for the Private Sector

14.25 Discussion

Government surveillance and business

14.40 The world after PRISM

- ▶ The consequences for business of PRISM and other government surveillance programmes from the data protection law and company perspectives
- ▶ Moves by companies from a US cloud to a German cloud and a German e-mail service
- ▶ What impact does PRISM have on businesses?
- ▶ Do companies need to encrypt their e-mail communication to avoid negligence?
- ▶ What about professions which are subject to special secrecy obligations like banks, lawyers, chartered accountants, certain insurance companies?

Dr Daniel Pauly, Partner, Linklaters LLP, Frankfurt

15.00 Discussion

15.15 Other aspects of managing data security and privacy in large organizations

Discussion

15.30 Break

International transfers of personal data

16.00 Regulation of International transfers

Bavaria was in February 2014 processing more Binding Corporate Rules applications as lead Data Protection Authority than any other Land. One BCR application has now been accepted.

Some Land DPAs could refuse transfers of personal data or sensitive personal data to some countries outside the European Economic Area for companies using any of the following legal instruments:

- ▶ Binding Corporate Rules
- ▶ Processor Binding Corporate Rules
- ▶ Inter-Company agreements
- ▶ EU model/standard contracts
- ▶ US Safe Harbor

Alexander Filip, Head of Division, International Transfers of Personal Data, Bavarian DPA for the Private Sector

Lisa-Marie Lange, Head of Dept, Employee Issues, International Data Transfers, and DP Officers, Der Hessische Datenschutzbeauftragte, Hesse DPA

16.30 Discussion

16.45 Data processing agreements under German law – what is so special?

For German business customers, concluding a data processing agreement in accordance with section 11 of the German Federal Data Protection Act is very often a hard requirement, including in outsourcing or cloud computing scenarios.

In contrast to the provisions of the EU Data Protection Directive and a number of other national data protection laws, the German Data Protection Act provides for stricter requirements and sets out additional obstacles for data processing agreements in the context of international data transfers.

- ▶ Practical differences between the German model and the EU model and
- ▶ Suggestions on how to deal with this issue in international transfers scenarios

Christian Runte, Partner, CMS Hasche Sigle, Munich

17.10 Discussion

17.45 Close

19.30 Dinner, Franziskaner Restaurant, Munich

All speakers and other participants invited

Roundtable Host:

Linklaters

Supported By:

BAYERISCHES LANDESAMT FÜR
DATENSCHUTZAUFICHT



ERLEBEN, WAS VERBINDET.

Previous Privacy Officer Network Roundtables

- ▶ Madrid, Spain
- ▶ Rome, Italy
- ▶ Czech Republic, Hungary and Poland in Prague
- ▶ Paris, France
- ▶ Argentina's Commissioner in Montreux, Switzerland
- ▶ Australia's Commissioner in Montreux, Switzerland
- ▶ 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
- ▶ Ra'anana, Israel
- ▶ Lisbon, Portugal
- ▶ BCRs, Washington DC
- ▶ European HR issues, Washington DC
- ▶ Canadian HR issues, Toronto
- ▶ Asia-Pacific Conference, Strasbourg
- ▶ Asia Pacific Roundtable, London

09.00 Registration and Coffee

09.30 Welcome

Daniel Pauly, Partner, Linklaters LLP, Frankfurt, and
Konrad Berger, Counsel, Linklaters LLP, Munich

09.35 Introduction

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

Marketing, consumer law and mobile apps

09.40 Usage of customer and prospect data for marketing purposes: What is possible without breaking the law?

- ▶ Paper on use of personal data for advertising/marketing purposes adopted in December 2013 by the Düsseldorf Kreis – the group where the 16 Land (state) Data Protection Authorities co-ordinate their policies for the private sector
- ▶ Gaining consent for marketing telephone calls
- ▶ Gaining consent online, including the use of cookies
Miriam Meder, Head of Dept, Bayerisches Landesamt für Datenschutzaufsicht, Bavaria's DPA for the Private Sector

09.50 Discussion

10.00 Data protection law, consumer law and collective action

- ▶ Berlin and Frankfurt Courts' rulings on privacy policies and terms & conditions of Google, Apple, Samsung and Facebook
- ▶ What can the Roundtable learn from these cases?
Konrad Berger, Counsel, Linklaters LLP, Munich

10.10 Discussion

How do collective action cases in Germany differ from class action cases in the USA?

10.20 Mobile apps

Guidance on mobile/tablet/other device apps – how to apply Germany's data protection law
Miriam Meder, Bavaria's DPA for the Private Sector

10.30 Discussion

Data protection compliance management

10.40 Data Protection Officers and other aspects of data protection compliance management

- ▶ The competences of DPAs and consumer protection organisations
- ▶ Appeals against DPA decisions
- ▶ The Bavarian DPA's audit and inspection framework
What are the criteria for DPA inspections?
To what extent do DPAs take a risk-based approach?
To what extent do DPAs wait for complaints?
What is the inspection record of different Land DPAs?
What do DPAs expect from companies' own internal or external DP audits?
Thomas Kranig, President, Bayerisches Landesamt für Datenschutzaufsicht, Bavaria's DPA for the Private Sector

10.50 Discussion

11.00 Break

11.20 How Deutsche Telekom uses the PS 980 standard to help ensure effective privacy governance now and in the future

What is an appropriate data protection compliance management framework for multinational companies, for example, regarding risk assessments, policies, training and conducting audits?

Jan Lichtenberg, Vice President Audit, Standards and Processes, Deutsche Telekom, Bonn

Dr Burkhard Petin, Director Enterprise Risk Services, Deloitte & Touche GmbH, Düsseldorf

11.40 Discussion

11.50 Data breach notification in the European Union – Lessons from Germany

- ▶ What do you do in case of a data breach?
- ▶ Experience with data breach notifications in Germany
- ▶ What is to come with the EU General Data Protection Regulation?

Dr Sibylle Gierschmann, Partner, Taylor Wessing, Munich

12.05 Discussion

12.15 The benefits and costs of appointing internal or external Data Protection Officers (DPOs)

- ▶ Advantages and disadvantages, costs, training role, and visibility in the organisation
- ▶ DPOs' relationship with a Land DPA and the extent to which a DPO serves as the 'long arm' of the DPA
- ▶ Job protection for DPOs

Johanna Laas, Senior Managing Consultant, Data Privacy, Intersoft Consulting Services, Hamburg

12.30 Discussion

Johanna Laas, Thomas Kranig and Lisa-Marie Lange

12.45 Lunch

Employment and data protection law

13.45 Employee issues and the relationship between employment and data protection law

- ▶ Bring your own Device (The Berlin Data Protection Authority has published a paper on BYOD)
- ▶ Employee monitoring when using company equipment like e-mail and Internet. The Bavarian DPA has drafted a paper which is being discussed by the Düsseldorf Kreis

Miriam Meder, Bavaria's DPA for the Private Sector

Lisa-Marie Lange, Head of Dept, Employee Issues, International Data Transfers, and DP Officers, Der Hessische Datenschutzbeauftragte, Hesse DPA

14.15 Discussion

14.25 Data Protection Authority sanctions

What is the experience of DPA sanctions in different Lander? What sanctions do DPAs have and use?

Alexander Filip, Head of Division, International Transfers of Personal Data, Bavarian DPA for the Private Sector

Lisa-Marie Lange, Hesse DPA

15.05 Discussion

15.15 Break

The future

15.30 German priorities in data protection legislation at the national and European Union level

Dr Rainer Stentzel, Head of Unit, Data Protection Law and Reform of Data Protection in Germany and Europe, the Federal Ministry of Interior, Berlin

16.00 Discussion

17.00 Close

About Privacy Laws & Business

Privacy Laws & Business has been providing data protection newsletters, conferences, advice and consultancy, privacy laws audits, and in-house training since 1987. 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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PL&B 27th Annual International Conference 2014
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Event Registration

Germany Roundtable 28th/29th April, 2014, Munich

- I am a Privacy Officers Network member (fee paid)
- Standard Roundtable Fee **£650/€770**
- Evening Dinner (per person) **£47/€57**
- Extra person from the same organisation **£400/€475**
- Briefing Paper/Slides (for non-participants) **£150/€180 + 20% VAT** (for UK-based orders only)

UK Roundtable 7th May, 2014, London

- Standard Roundtable Fee **£650/€770 + 20% VAT**
- Annual Privacy Officers Network Membership**
3 meetings/documents per year **£1,500/€1,800 + 20% VAT**

Other membership options: www.privacylaws.com/pon

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