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"Open atmosphere of the discussion. Very good organisation and food."

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Privacy Officers Network Poland's Changing Data Protection Law

Lawyers' Briefing and Roundtable with the
Data Protection Commission (GIODO)

28th/29th March 2012, Warsaw, Poland

DETAILED PROGRAMME

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- ▶ Asia-Pacific Conference, Strasbourg

09.00 Registration and Coffee**09.30** Welcome & Introduction

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

09.40 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 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, Spaczy ski,
Szczepaniak i Wspólnicy sp.k., Warsaw*

- ▶ Basis of the processing of personal data in the workplace
- ▶ Scope of the personal data that may be processed in the workplace (personal data of employees and job applicants); background checks, psychological tests and evaluations
- ▶ 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 Privacy in the workplace (continued)

Dr. Patrycja Zawirska, Partner, Raczkowski i Wspólnicy, Warsaw

- ▶ 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;
- ▶ Use of social media
- ▶ 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, Bird & Bird, Warsaw*

- ▶ Technical security regulations 2004 out of date
- ▶ Their application to cloud computing and outsourcing
- ▶ 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.
- ▶ Authorisation for the processing of personal data, who should have such authorisation?
- ▶ For example, authentication of individuals in an online environment; Demonstrating to GIODO adequate authentication of individuals
- ▶ 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
- ▶ Verification of security provisions in an outsourcing contract
- ▶ Responding to data breaches? Companies want to have more guidance on "technical and organisational measures" Allocation of responsibilities and creation of an action plan
- ▶ 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

- ▶ Implementing the EU E-Privacy Directive e.g. cookies
- ▶ Product launches/list development/contests/competitions
- ▶ Right to be forgotten: An ideal but what does Poland's law require in practice?
- ▶ Processing of personal data for own or others' marketing purposes; when consent for processing personal data is required; forms of consent
- ▶ Entrusting of the processing of personal data
- ▶ How personal should marketing messages be?

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*

- ▶ 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.
- ▶ Binding Corporate Rules and the Mutual Recognition Arrangement.
- ▶ United States Safe Harbor – Polish companies should persuade their US offices to register with the US Safe Harbor programme
- ▶ Transfers of personal data within a multinational corporation with operations in several countries – troublesome issues.
- ▶ Cloud Computing

14.30 Questions and Answers**15.00** Brief statement by each participating company on how it organises its Data Protection Officer role

- ▶ 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 (DPO) and how to achieve compliance in the most effective manner?

Maciej Byczkowski, President and CEO, European Network Security Institute (ENSI) and President, Poland's DP Officers Association (SABI), Warsaw; and Dr Grzegorz Sibiga, Attorney, Legal expert SABI, Truple Konarski Podrecki & Partners

- ▶ Current role of a DPO under Polish law
- ▶ How different companies organise this function
Internal or external appointment: Need for 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
- ▶ To what extent will Poland follow the German, Slovak or other DPO model?
- ▶ More powers for a DPO?
- ▶ Independent status of a Data Protection Officer?
- ▶ Role of the special Task Force created to draft a new technical security regulation with GIODO and other participants. Practical problems and proposed changes

16.30 Questions and Answers**17.00** Discussion on the priorities for questions and discussion with GIODO**17.30** Close

09.00 Registration

09.30 Setting the scene

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

- ▶ Current status of Poland's new data protection regulations to amend Poland's current DP law being drafted by GIODO for submission to the legislature
- ▶ Consultation process on the regulations
- ▶ GIODO's priorities
- ▶ Expected timetable

10.00 Questions and answers

10.15 Registration of Personal Data Filing Systems

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

- ▶ Registration with GIODO and exemptions
- ▶ Definition of human resources exemption and how it is interpreted by GIODO
- ▶ 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 Piłc, Head of Inspection Department, GIODO

- ▶ How GIODO conducts an inspection – Beyond the basic facts of 200 GIODO inspections in 2010
- ▶ Different types of GIODO inspection: Specific subject; Sectoral inspection; Complex inspection; In writing
- ▶ Usually the company knows the date of the inspection in advance. Reasons for an inspection without warning
- ▶ Opportunity for the company to review the inspectors' findings and comment on them?
- ▶ How GIODO publishes the results
- ▶ GIODO's expectations of a company's data security organisational and technical measures
- ▶ Any GIODO recommendations on form and content of documents to be used by a DPO?
- ▶ Independent status of the DPO role
- ▶ Can the DPO role be outsourced? If so, any constraints on this outsourcing?

11.45 Questions and answers

12.00 Enforcement

Monika Krasiska, Head of Jurisdiction, Legislation and Complaints Department, GIODO
Wojciech Trebnió, Head of Enforcement Unit, GIODO

- ▶ Practical GIODO experience of introduction into Polish DP law, (amendment of March 2011), of imposition of fines to compel compliance with GIODO's decisions
- ▶ Who prosecutes and in which typical circumstances?
- ▶ Explanation of the criminal offences

12.15 Questions and answers

12.30 Collective action

Dr. Wojciech Wiewiórowski, Inspector General, GIODO

- ▶ Any examples of, and potential for, collective (class) action as a means of redress in Poland?
- ▶ A future method for individuals to express their interests?

- ▶ GIODO's position on collective action as a method of redress for individuals in DP 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

- ▶ 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
- ▶ The law and GIODO's policies on: Applicable law; Binding Corporate Rules and the Mutual Recognition Arrangement; EU model contracts; GIODO's attitude to use of United States Safe Harbor; and 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

- ▶ GIODO's engagement policy with other countries in the region and its priorities and impact on companies' operations in these countries
- ▶ Comments by participants on the revised publication *Selected data protection issues: Guide for entrepreneurs*, a joint publication by the DPAs of Poland, the Czech Republic and Hungary

14.50 Questions and answers

15.00 Break

15.15 Parallel session 1: Financial services

Parallel session 2: Data protection and labour laws

Parallel session 3: For pharma/cosmetics companies

Parallel session 4: Changes to Poland's DP and other laws and their impact on online 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 DP law in 2012? 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

About Privacy Laws & Business

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Poland Briefing & Roundtable

All options include documents and lunch

28th/29th March 2012, Warsaw, Poland

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