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"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."

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

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CRO-PHARMANET SERVICES**

Privacy Officers Network France Briefing & Roundtable

5th/6th April 2011, Paris, France

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ROUNDTABLE PROGRAMME

LAW SOCIETY CPD HOURS

Previous Privacy Officers Network Events

- ▶ 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 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 Briefing, London
- ▶ Asia-Pacific Conference, Strasbourg

France's Data Protection Law

Lawyers' Briefing & Roundtable with the CNIL, the DP Commission

ATTENDING THIS BRIEFING AND ROUNDTABLE will help you to protect your reputation and reduce your legal risks and costs from failure to comply with France's data protection law. You will learn about strong Data Protection Commission (CNIL) policies on, for example: whistle blowing, behavioural advertising, international transfers of personal data, enforcement, and changes ahead.

Briefing Agenda 5th April, 2011, Paris, France

Host: Bird & Bird

09.00 Registration and Coffee

09.30 Welcome

Ariane Mole, Partner, Bird & Bird, Paris

09.35 Introduction

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

- ▶ The role of the Privacy Officers Network
- ▶ Underlying theme for discussion during the day: What has been companies' experience of the Correspondants Informatique et Libertés (CIL)?
- ▶ What should be our feedback to the CNIL?

09.45 Introduction to French law providing a context for data protection law

Ariane Mole, Partner, Bird & Bird, Paris

- ▶ France's constitution
- ▶ France's criminal and labour law
- ▶ EU DP Directive and E-Privacy Directive and their transposition into France's Loi Informatique & Liberté and Loi pour l'Economie Numérique
- ▶ The CNIL and other administrative bodies
- ▶ The courts
- ▶ The implications of France's highest court, the Conseil d'Etat, sanctioning the CNIL three times in 2009/2010 on the basis that it had violated the European Convention on Human Rights regarding Privacy (Art. 8)

10.10 Questions & Answers

10.20 Consulting with workers' councils (comités d'entreprise)

Claire Romac, Associate, Bird & Bird, Paris

When is there a duty to inform or/and consult with workers' representatives, for example:

- ▶ Workers' evaluation
- ▶ Monitoring in the work place
- ▶ Data transfers outside the European Union
- ▶ Main differences with other EU states (eg. Germany with co-determination rule)

10.55 Employee monitoring in France: What has happened since the Nikon case?

Caroline Doulcet, Cabinet Gelly, Paris

- ▶ Labour law principles, private vs. working life
- ▶ Email and internet monitoring
- ▶ Videosurveillance
- ▶ Phone call monitoring in your company and call centres
- ▶ Company policies on the use of IT resources

11.20 Questions & Answers

11.30 Coffee Break

11.45 Establishing a company social media platform in compliance with data protection law

Jean-Guy Mahaud, Senior Legal Counsel, Total S.A., Paris

- ▶ Overview of the legal aspects
- ▶ Focus on the data privacy/security implications
- ▶ Experience, feedback and recommendations

12.10 Questions & Answers

12.20 International transfers

Pascale Gelly, Cabinet Gelly, Paris, and Daniel Pradelles, EMEA Privacy Officer, HP, Paris

- ▶ What are the requirements ?
- ▶ What's new? New authorisation procedure, new official forms, new guidelines
- ▶ Current hot topics: Binding Corporate Rules, Offshoring, Cloud computing, Territorial scope of France's DP law

12.45 Questions & Answers

13.00 Lunch

14.00 US E-Discovery v. France's Data Protection Law

Ariane Mole, Partner, Bird & Bird, Paris

- ▶ A discussion with participants who have experience of tensions resulting from a conflict of laws

14.25 Questions & Answers

14.35 What should companies do to adjust their whistle blowing system in the light of the CNIL's new rules?

Ariane Mole, Partner, Bird & Bird, Paris

- ▶ The CNIL's 2011 whistle blowing rules reflecting Japan's equivalent of the US SOX law and competition policy
- ▶ Deletion of "vital interests of the organisation" and "physical or moral integrity of employees" (such as harassment) as legal bases for a whistle blowing policy
- ▶ Possibility of seeking special authorisation from the CNIL for a whistle blowing scheme for sexual harassment

15.00 Questions & Answers

15.10 Enforcement in France

Pascale Gelly, Cabinet Gelly, Paris

- ▶ Enforcement by the courts
- ▶ CNIL enforcement: Inspections and other tools
- ▶ Inspections: Why? What to expect? How to be ready?
- ▶ Litigation before the CNIL: Direct experience

15.35 Questions & Answers

16.00 Coffee Break

16.15 Consumer and sectoral issues and data protection law

Hélène Lebon, Senior Counsel, Bird & Bird, Paris

- ▶ The potential risk from the EU's proposal to strengthen the role of collective (class) actions, and/or consumer representative actions as a legal remedy in privacy cases
- ▶ Policies on white lists for credit information (new law in late 2010 permitting white lists)
- ▶ Anti money laundering rules (identity authentication, implications for banks and insurance companies)
- ▶ Conflict with the US Foreign Corrupt Practice Act, as France forbids collection of criminal conviction data
- ▶ Issues for the pharmaceutical sector

16.40 Questions & Answers

17.10 Who will raise which questions with the CNIL?

17.30 Close

19.30 Dinner

Roundtable Agenda 6th April, 2011, Paris La Défense, France Host: Total S.A.

09.00 Registration

09.30 Welcome and Overview of Total's initiative and project for global data privacy compliance

Peter Herbel, General Counsel, Total S.A., Paris

09.40 Role of Privacy Officers Network

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

10.00 Introduction

Yann Padova, Secretary General, CNIL

Changes ahead for the CNIL and for companies resulting from the new provisionally adopted data protection legislation in January 2011

- ▶ Role and powers of the President
- ▶ Inspection rules to be revised
- ▶ Privacy labelling and certification
- ▶ Changes in working procedures
- ▶ Timetable for changes

10.15 Questions & Answers

10.30 International transfers

Emmanuelle Bartoli, Legal Adviser Department of International and European Affairs, CNIL

Binding Corporate Rules:

- ▶ How many France based company BCR applications were approved in 2010?
- ▶ What has the CNIL learned from the current BCR application and approvals process?
- ▶ Factors leading to successes and failures
- ▶ Update on "BCR for Processors" progress

10.40 Questions & Answers

10.50 Cloud computing

Emmanuelle Bartoli, Legal Adviser Department of International and European Affairs, CNIL

- ▶ What has the CNIL learned from its recent research with major providers of cloud computing services?
- ▶ CNIL position on liability aspects
- ▶ How to address compliance requirements within the current setup
- ▶ Issues, solutions
- ▶ Expectation of the EU's current privacy framework revision

11.00 Questions & Answers

11.10 Off shoring

Emmanuelle Bartoli, Legal Adviser Department of International and European Affairs, CNIL

- ▶ How to satisfy the CNIL requirements?
- ▶ How to address compliance requirements within the current setup
- ▶ Issues, solutions

11.20 Questions & Answers

11.30 Coffee Break

12.00 CNIL audits, inspections and sanctions

Yann Padova, Secretary General, CNIL

- ▶ Post notification
- ▶ Inspections due to non-notification
- ▶ Which sectors are a priority?
- ▶ Examples of claims by individuals for damages
- ▶ Videosurveillance: Results of the CNIL's investigation programme
- ▶ Sanctions

12.30 Questions & Answers

13.00 Lunch

14.00 Behavioural advertising

Paul Hébert, Head of Legal Department, CNIL

- ▶ Online charter signed by the Union Française de Marketing Direct, 30th September 2010; and Charter signed by the social network sector, October 2010
- ▶ Which of the above covers cookies, flash cookies, web beacons, tagged URLs, spyware?
- ▶ Role and validity of information notices: How, what and when?
- ▶ The CNIL's vision for new technologies, the role and usefulness of statements of purpose and consent notices (Smart panels in supermarkets/Bluetooth/ smart phones)
- ▶ CNIL strategy and enforcement

14.25 Questions & Answers

14.40 Data retention: How to balance the necessity to have a limited data retention period with companies' legal obligations and proof requirements

Sophie Nerbonne, Deputy Director, Legal, IT and International Affairs, CNIL; and Nathalie Metallinos, Head, Data Protection Legal Team, Société Générale

- ▶ Period of storage: Invoices must be kept for 10 years and employee records must be kept for the period of employment plus 5 years. How long for other data?
- ▶ Notification of archives: What must be indicated in notifications with the CNIL and to individuals?
- ▶ Definition: What does "archiving" mean?
- ▶ Application of the law: How does the data protection law apply to archives?
- ▶ Access: How to provide access to data in archives?
- ▶ Disclosure: Need to retain personal data to give to the police if there is a lawful request (for how many years?)

15.10 Questions & Answers

15.30 Coffee Break

15.50 Right to be forgotten

Yann Padova, Secretary General, CNIL

- ▶ How to define this "new" right?
- ▶ How can data subject make sure he gets back all his data?
- ▶ What is new compared to existing requirements? (access, update, deletion)
- ▶ Application to direct marketing, social networks and any company's business operations
- ▶ CNIL strategy and enforcement
- ▶ How to ensure an EU wide consistent interpretation?

16.05 Questions & Answers

16.15 Revision of the EU Data Protection Directive

*Emilie Barrau, Legal Adviser Department of International and European Affairs, CNIL
Jean Gonié, Director of Privacy, EU Affairs, Microsoft, Brussels*

- ▶ Consent, sensitive data, and prior notification
- ▶ Transfers outside the European Economic Area
- ▶ Applicable law? (Home country, Country of Origin, Country of main establishment)
- ▶ Data subject awareness
- ▶ Intra-EU transfers and conflicting requirements from some EU Member States

16.45 Questions & Answers

17.00 Open questions from audience

17.30 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 for over 24 years. The *Privacy Laws & Business* team works in a co-operative spirit with many Privacy Commissioners worldwide and privacy policy staff in international organisations.

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**PL&B 24TH ANNUAL INTERNATIONAL CONFERENCE:
11th-13th July 2011, St. John's College, Cambridge**

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- I am a Privacy Officers Network member (fee paid)

October 18th 2011, London, UK

- I wish to attend this meeting **£675 + VAT**
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