



### KEY ISSUES COVERED:

- ▶ Data protection, consumer and competition laws
- ▶ International transfers
- ▶ Recent cases concerning joint controllers
- ▶ DP law, employment law and works councils
- ▶ Land Data Protection Authorities' fines

In cooperation with: **COVINGTON**

These webinar sessions will help you navigate the confusing landscape of Germany's data protection law and understand it when doing business in Germany

# Germany's Data Protection Law:

## Trends, opportunities and conflicts

5 Webinars over 5 weeks: 28 October-25 November

All sessions are on Wednesdays and will start at 14.00 UK / 15.00 CET and run for 1 hour, including time for questions and answers.



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Speakers from Germany's Federal and State Data Protection Authorities



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Germany is the EU Member State with the largest economy and the highest population in Europe and the working of its data protection law is the most complex to understand. Enforcement is split between the Federal level and the 16 separate Lander (state) Data Protection Authorities, and each Land has its own courts. Some DPAs favour a stricter interpretation of the law while others are more pragmatic. Speakers from various German Data Protection Authorities, a judge in a state court, and Covington & Burling's lawyers from its Frankfurt and London offices will explain the issues. Time is included in each session for questions and answers.

## Session 1: Wednesday, 28 October – 14.00 UK / 15.00 CET

### Convergence and conflicts with other laws

**Dirk Hensel**, Head of Communications & Executive Office, Federal Commissioner for Data Protection

**Dr. Lars Lensdorf**, Partner, Covington & Burling, Frankfurt

- ▶ Privacy law, competition law, unfair competition law and marketing law
- ▶ Lessons learned from the Facebook decision by Germany's Federal Cartel Office
- ▶ Draft of the new German Act against Restraints of Competition, digitalization and personal data

## Session 2: Wednesday, 4 November – 14.00 UK / 15.00 CET

### International Transfers

**Alexander Filip**, Head of Department, Bavaria's Data Protection Authority

**Dr. Moritz Hüsich**, Partner, Covington & Burling, Frankfurt

- ▶ Validity of Standard Contractual Clauses – current status of any data protection related cases before the Court of Justice of the European Union and potential planned updates of the clauses at the time of the conference
- ▶ The Use of Standard Contractual Clauses in practice – challenges and pragmatic solutions
- ▶ Overreach of US and other non-EU authorities in accessing personal data originating in the EU for conducting investigations
- ▶ Data transfers and Brexit

## Session 3: Wednesday, 11 November – 14.00 UK / 15.00 CET

### Joint controllers: Status and developments

**Kristin Benedikt**, Judge, Administrative Court, Regensburg, Bavaria

**Michael Kaiser**, Head of Department, Hesse Data Protection Authority

**Dan Cooper**, Partner, Covington & Burling, London

- ▶ Legal basis for joint controllers – lessons learned from the Jehovah's Witnesses, Fashion-ID and Facebook cases
- ▶ Typical issues - practical experience
- ▶ How to draft an agreement according to Art. 26 GDPR

## Session 4: Wednesday, 18 November – 14.00 UK / 15.00 CET

### Privacy and labour law: A complex interaction

**Katja Horlbeck**, Lawyer, Hesse Data Protection Authority

**Dr. Lars Lensdorf**, Partner, Covington & Burling, Frankfurt

- ▶ The role of works councils in using access on employment issues
- ▶ Right of access: A tool of pre-trial discovery?
- ▶ Scope of the access right and management of requests
- ▶ Obligation to provide copies to fulfil requests
- ▶ Recent court decisions and their consequences

## Session 5: Wednesday, 25 November – 14.00 UK / 15.00 CET

### Enforcement trends by German regulators and damage claims

**Benjamin Bäßler**, Head of the Department for Fines, Baden-Württemberg Data Protection Authority

**Steffen Weiss**, Head of International Affairs, German Association for Data Protection and Data Security (GDD)

**Dr. Moritz Hüsich**, Partner, Covington & Burling, Frankfurt

**Dan Cooper**, Partner, Covington & Burling, London

- ▶ New calculation model developed by the German regulators.
- ▶ Development of fines together with other enforcement techniques
- ▶ Fines recently imposed by different Land (state) Data Protection Authorities
- ▶ Fines recently imposed by other European regulators
- ▶ Calculation of data subjects' damage claims