



WHO SHOULD ATTEND

- ▶ Chief Privacy Officers
- ▶ Data Protection Managers & Staff
- ▶ Lawyers
- ▶ DP Advisers & Trainers
- ▶ Company Secretaries
- ▶ Information Systems, Data Security & Database Managers
- ▶ Consultants & Auditors
- ▶ Marketing/HR Managers

23RD ANNUAL INTERNATIONAL Conference

July 5th-7th 2010, St. John's College, Cambridge, UK

Privacy Practices on Trial

Conference Themes

- Data breach laws
- Data security
- International privacy standards
- International whistle-blowing lines
- Online behavioural advertising
- Cloud computing
- The future of privacy regulation
- Training programmes and measuring effectiveness
- Regulators' investigations and penalties
- Banking secrecy
- Privacy by design and the conduct of clinical trials
- US Safe Harbor
- Binding Corporate Rules
- Reform of the EU Data Protection Directive

50+ Speakers From 14 Countries

Australia, Austria, Belgium, Canada, Denmark, France, Germany, Italy, Japan, Portugal, Spain, Switzerland, United Kingdom, USA

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CINDY PAUL, DELOITTE

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CONFERENCE PROGRAMME

21 CONTINUING PROFESSIONAL DEVELOPMENT HOURS



A HISTORIC LOCATION

St. John's College, founded in the 16th century, is a beautiful conference location combining the best of old Cambridge atmosphere with modern conference facilities, such as a computer room and wireless broadband access. It provides professionally equipped lecture rooms and first-rate cuisine in the medieval dining hall. The college has quiet gardens and a tranquil setting by the River Cam.

50+ SPEAKERS FROM 13 COUNTRIES IN 3 DAYS

The *Privacy Laws & Business* 23rd Annual International Conference features more than 50 speakers from 13 countries over 3 intensive days. Almost half of these speakers are giving a presentation at this event for the first time.

At Europe's longest running international data protection event you are sure to gain professionally by networking with your peers. Many of the speakers attend the entire conference, providing you with an ideal opportunity to have direct contact with the key decision-makers and privacy managers of some of the world's largest companies. Scan the horizon for new privacy issues and enjoy the unique summer school atmosphere.

EXHIBITION SPACE

Limited space is still available in the conference centre for companies wishing to demonstrate their privacy law-related products and services.

Sponsorship opportunities are available for lunches, dinners, other social events and documentation packs.

For a virtual tour of St. John's College, visit www.job.cam.ac.uk.

23RD ANNUAL INTERNATIONAL Conference

July 5th-7th 2010, St. John's College, Cambridge, UK

Privacy Practices on Trial

IF YOUR ORGANISATION GOES ON TRIAL in a criminal, civil or regulatory forum, will your privacy practices stand up to scrutiny? To ensure that they do, you need to get organised and plan ahead.

Fines imposed by both Data Protection Authorities and the courts are becoming more common, and in this sense your organisation's privacy practices are already potentially on trial.

Privacy as a competitive advantage, or as a means to raise your organisation's reputation among its stakeholders, is good but not good enough. All the signs are that the regulators in many countries are now backed by stronger laws and a determination to use their enforcement powers.

This trend also extends to the need for a more energetic self-assessment of current processes, and more frequent audits of how you collect personal data in every medium and use it in every process. What you say in your policies may be legally correct and more or less understandable to the users of your services. What is equally important are your privacy practices, and how you translate your policies into meaningful and relevant operating procedures.

You will gain an understanding of the accountability model. How can you demonstrate that you are a credible controller or processor of personal data?

This conference will give you the tools and contacts to do the job, and to reduce your risk.

Speakers & Chairs

Regulators

Lena Andersen, Data Protection Agency, Denmark
Dr. Rosa Barcelo, European Data Protection Supervisor, Brussels
Chantal Bernier, Privacy Commissioner's Office, Canada
Iain Bourne, Information Commissioner's Office, UK
Christian von Dewitz, Ethics Committee, State of Berlin, Germany
Mick Gorrill, Information Commissioner's Office, UK
Christopher Graham, Information Commissioner, UK
Damon Greer, US Dept of Commerce, Washington DC, USA
Peter Hustinx, European Data Protection Supervisor, Brussels
Els Janssens, European Medicines Agency, UK
Professor Artemi Rallo Lombarte, Data Protection Agency, Spain
Esther Mitjans, Catalan Data Protection Authority, Spain
Dr. Hiroshi Miyashita Surugadai, University Faculty of Law, Japan
Yann Padova, CNIL, France
Florence Raynal, CNIL, France
Dr. Luís Da Silveira, National Data Protection Commission, Portugal

Organisations

Ellis Parry, AstraZeneca, UK
Vivienne Artz, Citi, UK
Dr. Barbara Tomasi, CRO-PharmaNet, Germany
Michael Lee, eBay Inc, USA
Peter Fleischer, Google, France
Allen Brandt, Graduate Management Admission Council, USA
Melanie Shillito, JP Morgan Chase, UK
Gail Obrycki, Merck, USA
Julie Kudyba, Novartis, Switzerland
Uwe Fiedler, Parexel, Germany
Susan Vaillant, Quintiles Europe, France
David Trower, PPD, UK

Sinisha Patkovic, Research in Motion, France
Claire Fisher, Rolls Royce, UK
Martin Hoskins, T-Mobile, UK

Law Firms

Tom De Cordier, Allen & Overy, Belgium
Ruth Boardman, Bird & Bird, UK
Ariane Mole, Bird & Bird, France
Hazel Grant, Bristows, UK
Mark Watts, Bristows, UK
Daniel Cooper, Covington & Burling, UK
Nicholas Graham, Denton Wilde Sapte, UK
Stewart Room, Field Fisher Waterhouse, UK
Eduardo Ustaran, Field Fisher Waterhouse, UK
Peter McLaughlin, Foley & Lardner, USA
Bridget Treacy, Hunton & Williams, UK
Richard Cumbley, Linklaters, UK
Karin Retzer, Morrison & Foerster, Belgium
Dr. Sabine Grapentin, Noerr, Germany
Dr. Jürgen Hartung, Oppenhoff & Partner, Germany
Daniele Vecchi, Origone, Grippo & Partners, Italy
Rosemary Jay, Pinsent Masons, UK
Dr. Rainer Knyrim, Preslmayr Rechtsanwälte, Austria

Consultants

Chris Connolly, Galexia, Australia
Alan Calder, IT Governance, UK
Simon McDougall, Promontory, UK

Privacy Laws & Business

Stewart Dresner, UK
Laura Linkomies, UK
Stuart Lynch, UK
James Michael, UK
Eugene Oscapella, Canada
Valerie Taylor, UK



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VERA HARLOFF, RIGHT MANAGEMENT

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- Facebook
- General Motors
- GlaxoSmithKline
- Google
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- Intel
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DIARY DATE: PL&B 24TH INTERNATIONAL CONFERENCE JULY 11TH-13TH 2011

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Privacy Laws & Business newsletters provide you with a comprehensive information resource for data protection issues – topics such as new laws, amendments, codes and how they work in practice. The UK edition also covers the UK Freedom of Information Act.

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Subscribers may contact the *PL&B* team with questions such as the current status of legislation, and sources for specific issues and texts.

4. Index

Subscribers will receive a cumulative country, subject and company index annually, covering subjects such as outsourcing, transborder data flows and marketing. The index is regularly updated on the *PL&B* website.

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- Data Protection Commissioners
- Foreign & Commonwealth Office
- Ministry of Justice
- Other Public Sector Agencies

PRIVACY INCIDENTS can leave organisations in breach of the law and can even result in criminal liability for senior management and employees. Bad publicity can seriously damage your organisation's brand and inevitably its bottom line.

Can your organisation really afford not to understand its legal requirements? Consumers are becoming increasingly aware of their privacy rights and are willing to exercise them against organisations that fail to safeguard their personal data properly.

Privacy Laws & Business has been providing data protection publications, conferences, advice and consultancy since 1987. It has become the comprehensive information source for privacy and data protection managers and lawyers.

Through a mixture of corporate case studies, legal analysis and advice, the *Privacy Laws & Business* newsletters:

- ▶ Show you where organisations have gone wrong, and how to go about correcting any problems
- ▶ Help your organisation benchmark its compliance practices and discover new ways of improving your procedures
- ▶ Provide you with expert comment from leading privacy consultants, managers, lawyers, and regulators.

Breaking news and developments are gathered together in one valuable resource, leaving you free to improve compliance, boost customer trust, and protect your organisation's reputation.

Newsletter Editors:

Editor – Laura Linkomies laura.linkomies@privacylaws.com

Legal Editor – James Michael james.michael@privacylaws.com

E-NEWS ALERTS

The free e-mail updates will bring you just the headlines, but a paid-for subscription will bring you a much more substantial news service.

For further information or to subscribe to any e-mail news service please visit: www.privacylaws.com/enews



PRE-CONFERENCE – SUNDAY JULY 4TH, 2010

16.00-17.30 Registration in the Fisher Building

18.45 Drinks (ALL WELCOME BUT PRE-BOOKING REQUESTED) **19.30** Dinner in The Hall (PRE-BOOKING REQUIRED)

DAY 1 – MONDAY JULY 5TH, 2010

07.30-08.45 Breakfast in The Buttery

08.00-17.30 Registration in the Fisher Building

09.00 Chairman's introduction: Privacy Practices on Trial

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

09.15 Mission impossible?

Implementing a global whistle-blowing hotline in over 70 markets in 3 months

Ellis Parry, Global Privacy Officer, AstraZeneca UK

Parallel Session 1: International

Chair: *Hazel Grant, Partner, Bristows, London*

10.00 Scenarios: Employee monitoring

Mick Gorrill, Head of Enforcement, Information Commissioner's Office, UK; Yann Padova, Secretary-General, CNIL, France; Dr. Luís Da Silveira, Chair, National DP Commission, Portugal; and Dr. Sabine Grapentin, Partner, Noerr LLP, Frankfurt, Germany

Parallel Session 2: United Kingdom

Chair: *Stuart Lynch, Consultant, Privacy Laws & Business*

10.00 Parallel 2: Question Time on the UK's Data Protection Act

*Stuart Lynch, Consultant, Privacy Laws & Business
James Michael, Legal Editor, Privacy Laws & Business*

10.45 Coffee SPONSORED BY DENTON WILDE SAPTE (WWW.DENTONWILDESAPTE.COM)

11.15 How to introduce a new technology and win a European Data Protection Authority's approval
A biometric test to prove identity for exam candidates

*Ariane Mole, Partner, Bird & Bird, France and
Allen Brandt, Associate Director, Privacy, Graduate Management Admission Council, USA*

Putting the Street View case to national DPAs and responding to negative reactions

Peter Fleischer, Global Privacy Counsel, Google, Paris

SOCIAL PROGRAMME

Sunday July 4th

Organ Recital and Evensong: 18.00 With the choir of St John's College at St. John's College Chapel .

Drinks: 18.45-19.30 Outside the Wordsworth Room, First Court.

Dinner: 19.30 In the Wordsworth Room, First Court.

Monday July 5th

Cambridge Walks: 18.00 Two walks led by qualified guides from the Cambridge Tourist Office, meet at the Fisher Building.

Drinks: Between 18.45 and 19.30 in Chapel Court.

Dinner: 19.30 In The Hall, between Second and First Courts.

Party in the Lower Pythagoras: 21.00 with FREE first drink, just present your voucher, distributed at Monday's dinner.

St John's College Bar: The college cash bar has extended opening hours until midnight.

Tuesday July 6th

St John's College 17th Century Library Tour: 08.30-09.00 Meet inside the entrance to the new library in Chapel Court.

Punting on the River Cam: Chauffeured punts depart at 18.30 from Lower River Court, which is immediately in front of the Fisher Building, returning at 19.15. Punting is free, and on a first come first served basis. Be early if you are very keen. You can also try punting for yourselves by hiring punts from Cripps Porter's Lodge for a small charge.

Drinks: 18.30-19.30 At River Court. Come and watch and/or join the punters!

Dinner: 19.30 In The Hall, between Second and First Courts.

St John's College Bar: The college cash bar has extended opening hours until midnight.

Parallel Session 1: International Accountability

Chair: *Stewart Dresner*, Chief Executive, *Privacy Laws & Business*, UK

12.00 Japan's shift to supervise national privacy policy in the Consumer Affairs Agency

Dr. Hiroshi Miyashita, Associate Professor of Law, Faculty of Law, Surugadai University; and Advisor, Office of Personal Information Protection, Consumer Affairs Agency, Japan

12.30 Benchmarks for Privacy Trustmarks An analysis of the challenges facing trust schemes in Australia, Japan, Mexico, Singapore, Thailand and the United States

Chris Connolly, Director, privacy consulting firm, Galexia, and Board member, Privacy Foundation, Australia

13.00 Lunch

Parallel Session 1: European Data Breach Laws

Chair: *James Michael*, Legal Editor, *Privacy Laws & Business Newsletters*

14.00 The E-privacy directive and national implementation

James Michael, Legal Editor, *Privacy Laws & Business Newsletters*

14.10 Germany's new data breach legal requirements

Dr. Jürgen Hartung, Partner, Oppenhoff & Partner, Cologne, Germany

14.25 Data Breach notification duty in Austria's amended data protection law

Dr Rainer Knyrim, Partner, Preslmayr Rechtsanwälte, Vienna, Austria

14.40 New data breach law proposed in France

Yann Padova, Secretary-General, CNIL (Data Protection Authority) France

14.55 A perspective from the European Data Protection Supervisor

Dr. Rosa Barcelo, Legal Advisor, European Data Protection Supervisor, Brussels

15.10 Discussion: The advantages and disadvantages of data breach notification laws in a revised EU Data Protection Directive and how to prepare for a stronger data breach notification regime. Key steps in responding to a data breach

15.30 Tea SPONSORED BY DENTON WILDE SAPTE (WWW.DENTONWILDESAPTE.COM)

Parallel Session 1: Data Breach Scenarios

Chair: *Hazel Grant*, Partner, Bristows, London

15.50 Scenarios: Data loss

Chantal Bernier, Assistant Commissioner, Federal Privacy Commission, Canada; *Lena Andersen*, Deputy Data Protection Commissioner, Denmark; *Mick Gorrill*, Head of Enforcement, Information Commissioner's Office, UK; *Ariane Mole*, Partner, Bird & Bird, France; *Dr. Sabine Grapentin*, Partner, Noerr LLP, Frankfurt, Germany

16.30 Development of the Agency's audit and sanctions policy in Spain. Trends regarding investigations, fines and other sanctions

Professor Artemi Rallo Lombarte, President, Data Protection Agency, Spain

17.00 How RIM designs and markets its BlackBerry features and services around privacy protection

Sinisha Patkovic, Director, BlackBerry Security Advisory Service, Research in Motion, Paris

17.45 Close

18.00 Guided Walks

18.45 Drinks

19.30 Dinner in The Hall

21.00 Party in the Lower Pythagoras FEATURING 'PRIVATE EYE' (PL&B BAND) AND MORE

Parallel Session 2: Mergers and Aquisitions

Chair: *Valerie Taylor*, Consultant, *Privacy Laws & Business*

12.00 Mergers, acquisitions, divestitures and privacy

Dr Mark Watts, Partner, Bristows, London

Parallel Session 2: Data Breaches in the UK

Chair: *Nick Graham*, Partner, Denton Wilde Sapte LLP

14.00 Lessons from T-Mobile's data breach experience

Martin Hoskins, Head of Data Protection and Disclosure, T-Mobile (UK) Ltd

14.30 How companies and public sector organisations defend themselves against claims for compensation for damages and distress

Rosemary Jay, Partner, Pinsent Masons, Manchester

15.00 Discussion: What do you do when you have your data lost or stolen?

DAY 2 – TUESDAY JULY 6TH, 2010

07.30-08.45 Breakfast in The Buttery

08.30-17.30 Registration in the Fisher Building

09.00 The Madrid Resolution on International standards on the protection of personal data and privacy: Next steps

Professor Artemi Rallo Lombarte, President, Data Protection Agency, Spain

Parallel Session 1: International Standards

Chair: *James Michael, Legal Editor, Privacy Laws & Business Newsletters*

09.30 The case for the US Safe Harbor program

Damon Greer, Director, US-EU & Swiss Safe Harbor Frameworks, Department of Commerce, Washington DC, USA (TBC)

09.50 The Future of the EU/US Safe Harbor Privacy Framework: Can it be improved or does it require a complete overhaul?

Chris Connolly, Director, privacy consulting firm, Galexia, and Board member, Privacy Foundation, Australia

10.10 Discussion on the prospects for the Madrid Resolution and views of the 'adequacy' of the US Safe Harbor from outside the USA

10.30 Coffee SPONSORED BY DENTON WILDE SAPTE (WWW.DENTONWILDESAPTE.COM)

Parallel Session 1: Binding Corporate Rules

Chair: *Richard Cumbley, Partner, Linklaters, London*

11.00 Easier implementation of Binding Corporate Rules after eBay's and other recent successes

Michael Lee, Global Privacy Manager, eBay, USA and Tom De Cordier, Senior Associate, Allen & Overy, Brussels

11.25 Lessons for implementing Binding Corporate Rules from the approval of JP Morgan Chase's programme

Melanie Shillito, Executive Director, Europe Middle East Africa Privacy & Compliance Services Group, JP Morgan, London

11.50 Recent developments on Binding Corporate Rules

Florence Raynal, Head, European and International Affairs, CNIL (Data Protection Authority), France

12.15 Binding Safe Processor Rules

A set of legally binding internal rules, like Binding Corporate Rules, to be adopted globally and to be approved by European Data Protection Authorities

Eduardo Ustaran, Partner, Field Fisher Waterhouse, London

12.40 Discussion on improving Binding Corporate Rules procedures, the prospects for Binding Safe Processor Rules, and European Union model contracts

13.00 Lunch

14.00 How to defend your data security policies to the privacy regulators in the United States

Peter McLaughlin, Senior Counsel, Foley & Lardner LLP, Boston, USA

14.20 The practical steps an organisation needs to take and the interface between data protection law and information systems

Valerie Taylor, Consultant, Privacy Laws & Business; and Alan Calder, Chief Executive, IT Governance, Ely, UK

14.50 Privacy in the age of the cloud. Which law applies? Who will apply it?

Ruth Boardman, Partner, Bird & Bird, London (Chair); Peter Fleischer, Global Privacy Counsel, Google; and Florence Raynal, Head, European and International Affairs, CNIL (Data Protection Authority), France

Germany's new rules on international processor agreements

Dr. Jürgen Hartung, Partner, Oppenhoff & Partner, Cologne, Germany

Parallel Session 2: Governance

Chair: *Bridget Treacy, Partner, Hunton & Williams, London*

09.30 The role of the Data Protection Officer in creating a data governance strategy

Speakers from Yahoo and other companies, TBC

Parallel Session 2: Online

Chair: *Laura Linkomies, Editor, Privacy Laws & Business Newsletters*

11.00 Online Behavioural Advertising: An overview of recent developments

Karin Retzer, Attorney, Morrison & Foerster, Brussels

11.20 Personal information online: UK Commissioner's new code means less confusion and more good practice?

Iain Bourne, Head of Data Protection Projects, Information Commissioner's Office, United Kingdom

11.40 Tackling online behavioural advertising and the social networking sites

Chantal Bernier, Assistant Commissioner, Federal Privacy Commissioner, Canada

12.00 A perspective from the European Data Protection Supervisor

Dr. Rosa Barcelo, Legal Advisor, European Data Protection Supervisor, Brussels

12.20 Comments from a company perspective

Peter Fleischer, Global Privacy Counsel, Google

12.30 Comments from an Italian lawyer

Daniele Vecchi, Attorney, Gianni, Origone, Grippo & Partners, Milan

12.35 Discussion

15.45 Tea SPONSORED BY DENTON WILDE SAPTE (WWW.DENTONWILDESAPTE.COM)

16.15 Prospects for reform of the EU Data Protection Directive

Peter Hustinx, European Data Protection Supervisor, Brussels

16.45 Comments

Professor Artemi Rallo Lombarte, President, Data Protection Agency, Spain and Deputy Chair, Art 29 EU Data Protection Working Party; and Christopher Graham, Information Commissioner, UK

17.00 Discussion

17.45 Close

18.30 Drinks SPONSORED BY LINKLATERS (WWW.LINKLATERS.COM) and Punting SPONSORED BY MORRISON & FOERSTER (WWW.MOFO.COM)

19.30 Dinner in The Hall

DAY 3 – WEDNESDAY JULY 7TH, 2010

07.30-08.45 Breakfast in The Buttery

08.30-13.00 Registration in the Fisher Building

09.00 Good, Better, Best: Good practice, Better Regulation and Best Foot Forward at the ICO

Christopher Graham, Information Commissioner, Information Commissioner's Office, UK

Parallel Session 1: Training

Chair: *Stuart Lynch, Consultant, Privacy Laws & Business*

10.00 Designing and delivering a practical data protection training programme

Claire Fisher, Data Protection Manager, Corporate Security, Rolls-Royce, Derby

Fair Trial

Harmonising the needs of patients, pharmaceutical companies, clinical research organisations and regulators in international clinical trials

Parallel Session 2: Fair Trial – Pharmacovigilance

Chair: *Daniel Cooper, Partner, Covington & Burling, London*

10.00 Changes in the European Economic Area pharmacovigilance legal landscape and the potential impact on stakeholders

Els Janssens, Legal Service, European Medicines Agency, London

10.25 Comments from the stakeholders

A Pharmaceutical Company Speaker, TBC

Uwe Fiedler, Global Privacy Officer, Parexel International Corporation, Berlin, Germany

10.45 Discussion

10.45 Coffee SPONSORED BY HUNTON & WILLIAMS (WWW.HUNTON.COM)

11.00 Coffee SPONSORED BY HUNTON & WILLIAMS

Parallel Session 1: Learning/Data Sharing

Chair: *Stuart Lynch, Consultant, PL&B*

11.15 The development of e-learning within The Children's Society

Valerie Taylor, Consultant, Privacy Laws & Business

12.00 Partners in crime prevention? Sharing personal data between the public and private sectors

Iain Bourne, Head of Data Protection Projects, Information Commissioner's Office, UK

Parallel Session 2: Bank Secrecy

Chair: *James Michael, Legal Editor, Privacy Laws & Business Newsletters*

11.15 Managing conflicting data protection/privacy law requirements in banking: Banking secrecy, anti-money laundering, data sharing and other conflicts

Simon McDougall, Managing Director, Promontory UK

Vivienne Artz, Managing Director, Head of IP and Technology Legal (International), Citi, London

Parallel Session 3: Fair Trial – Multinational Clinical Studies

Chair: *David Trower, Executive Director Global Privacy, PPD, Cambridge*

11.30 Pharmaceutical companies, investigators and CROs: Privacy challenges in the organisation of multinational clinical studies

Dr. Barbara Tomasi, Senior Data Protection Officer, CRO-PharmaNet Services GmbH, Germany

11.55 How to correctly classify the sponsor, investigator and the CRO in multi-centre/country outsourced clinical studies

Who is the data controller, and who is the data processor, and what does this mean for the contract structure?

Ellis Parry, Global Privacy Counsel, AstraZeneca plc, United Kingdom

12.20 Comments from stakeholders

12.30 Discussion

13.00 Lunch

Parallel Session 1: Privacy Practices on Trial

Chair: *Valerie Taylor*, Consultant, Privacy Laws & Business

14.00 Stronger powers:

Investigation, Audits and Penalties

Mick Gorrill, Head of Enforcement,
Information Commissioner's Office, UK

14.45 How to make your case against the Information Commissioner in court

Stewart Room, Partner, Field Fisher Waterhouse, London

15.30 Hypothetical cases

The audience asks for the panel's views on some hypothetical cases

16.00 Close of UK session

and Tea SPONSORED BY HUNTON & WILLIAMS

Parallel Session 2:

Fair Trial – Protecting Patients

Chair: *Dr Mark Watts*, Partner, Bristows, London

14.00 The application of European data protection principles to the patient informed consent process

Christian von Dewitz, Chief Executive,
Ethics Committee, State of Berlin

14.25 How Spain's new data protection code regulates the conduct of clinical trials and encourages Privacy by Design

Esther Mitjans, Director,
Catalan Data Protection Authority, Spain

14.50 Comments from the stakeholders

Gail Obrycki, Manager, Global Privacy Office, Merck, USA
Susan Vaillant, Director, Data Protection Compliance,
Quintiles Europe, France

15.00 Discussion

15.30 Tea SPONSORED BY HUNTON & WILLIAMS

Genetic Research and Privacy

16.00 Bio-Banking and genetic research: The implications for privacy

Chantal Bernier, Assistant Commissioner, Federal Privacy Commissioner, Canada

16.30 Denmark's Data Protection Act:

Provisions on statistical and scientific studies and how the Data Protection Agency
applies the law to the processing of personal data for research

Lena Andersen, Deputy DP Commissioner, Denmark

16.40 Comments from the stakeholders

Julie Kudyba, Global Privacy Officer, Novartis Pharma, Switzerland;
and *Susan Vaillant*, Director, Data Protection Compliance, Quintiles Europe, France

17.00 Discussion

17.30 Close

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Data Breach Notification Laws in Europe The Report

The report follows the lines of the questions in the survey on the opposite page. The national DPAs which cooperated in the survey are shown on the panel on this page. Additional sections in the report cover:

- ▶ Is a national data breach law a good idea?
- ▶ US model: lessons to be learnt
- ▶ Data breach management guidance in other countries
- ▶ A bibliography of information sources with multiple weblinks

The report is available in pdf format with weblinks in the text.

Data Breach Notification Laws in Europe **The Report**

Results of PL&B's European survey on attitudes of 21 European national Data Protection Authorities towards an EU legal requirement and European national laws on action organisations must take when personal data is lost or stolen.

The report on Switzerland was provided by David Rosenthal, an independent lawyer (www.homburger.ch).

COUNTRIES IN THE SURVEY

- | | | |
|------------------|-------------------|-------------------|
| • Austria | • Hungary | • Portugal |
| • Belgium | • Iceland | • Slovak Republic |
| • Czech Republic | • Ireland | • Spain |
| • Denmark | • Italy | • Sweden |
| • Finland | • Jersey/Guernsey | • Switzerland |
| • France | • Luxembourg | • The Netherlands |
| • Germany | • Poland | • United Kingdom |

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THE DATA BREACH NOTIFICATION LAWS which started in California, and have now spread over most of the USA, have provided a stimulus to companies doing business there to take the protection and use of the personal data in their care with much greater seriousness and commitment realising that their companies' reputations are at stake.

In Europe, with national data protection laws already in place, as early as 1973 in Sweden, data security remains just one element of their comprehensive coverage. Notifying a national Data Protection Authority when personal data has been lost or stolen has now come onto their agenda. Notification of data breaches provides an instrument to assist them and financial regulators to enforce the national data protection laws.

In the last two or three years, the question of whether the European Union should legislate on notifying data breaches has become an issue of conflict at the heart of the E-Privacy Directive. What constitutes a security breach, to whom should notification apply, and what should companies do?

Several questions arise which form the core of the Data Breach Survey conducted by *Privacy Laws & Business* among 21 national Data Protection Authorities since January 2008. They can be summarised as follows:

- ▶ What data breach notification law is currently in place in your country?
- ▶ Do you as a Data Protection Authority (DPA) consider there to be a demand in your country for more explicit data breach laws?
- ▶ What should be the purpose and scope of data breach laws in your country?
- ▶ What powers would your DPA be seeking in a national law?

- ▶ The latest news on how the EU's E-Privacy Directive will cover data breach requirements.
- ▶ Which organisations?
- ▶ What is a data breach?
- ▶ Who to report to?
- ▶ Have US laws set a trend for Europe? Are the current data protection laws sufficient?
- ▶ Is there a need for specific legal provisions in Europe at EU and national level, on action to be taken when personal data is lost or stolen?
- ▶ Advantages and disadvantages of data breach notification provisions for DP authorities, companies and individuals.
- ▶ What would be an appropriate and proportionate response for data subjects?
- ▶ Next steps for data breach notification at EU and national levels across Europe

Report Fee

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Privacy Officers Network

THE PRIVACY OFFICERS NETWORK provides data protection and privacy managers and their lawyers with an opportunity to receive Briefings from specialist lawyers and Roundtables with Data Protection Regulators and their senior staff from around the world.

Israel: Integrating privacy into your compliance programme October 25th, Tel Aviv

Privacy managers and legal advisors for companies doing business in Israel need to understand the national privacy law and how it affects their operations. This event will help companies adopt a compliance programme in Israel consistent with their operations in the European Union (EU) and other countries with data protection and privacy laws.

The EU's Art. 29 Data Protection Working Party announced on 6th January 2010 that it has decided that Israel's law guarantees an adequate level of protection for international data transfers. This assessment was made on the basis of several factors including the Basic Law, the Protection of Privacy Act 1981, case law and the independent status of Israel's Law, Information and Technology Authority (ILITA).

Speakers include:

- ▶ Amit Ashkenazi, the Head of ILITA's Legal Department, on the new regulations on information management; and international transfers of personal data
- ▶ Mili Bach, the Head of ILITA's Enforcement & Investigations Department, on ILITA's informal guidance, civil action to criminal sanctions now and in the future
- ▶ Dr. Omer Tene, Senior Lecturer, College of Management on how Israel's privacy law compares with the EU data protection law model; and cloud computing
- ▶ Judge Stephen J. Adler, President, National Labour Court, Israel on how the court resolves cases involving the protection of privacy in the work place
- ▶ Pini Azaria, Advocate, Jacoby, Azaria & Co., Law Offices, Tel Aviv on the integration of privacy compliance and data security programs with a focus on collection and usage of marketing data
- ▶ Dan Hay, Advocate and Noam Shechner, Advocate, on current experience and future prospects for class actions in privacy cases

Roundtable Host: **Microsoft®**

Portugal: Briefing & Roundtable Nov 24th/25th, Lisbon

Briefing: Magda Cocco, Partner, Vieira de Almeida & Associados;

Roundtable: Dr. Luís da Silveira, Chair, Comissão Nacional de Protecção de Dados and other members of the commission.

Briefing Host:  **VIEIRA DE ALMEIDA & Associados** Sociedade de Advogados, R.L.

EPON Data Protection Commissioner Roundtables

- ▶ Madrid, Spain
- ▶ Rome, Italy
- ▶ Czech Republic, Hungary and Poland in Prague
- ▶ Paris, France
- ▶ Berlin and Frankfurt, Germany
- ▶ Dublin, Ireland
- ▶ Greece and Portugal in London
- ▶ Russia's new law with its principal author, London
- ▶ Stockholm, Sweden
- ▶ Helsinki, Finland
- ▶ Brussels, Belgium
- ▶ The Hague, Netherlands
- ▶ Luxembourg
- ▶ Warsaw, Poland
- ▶ Zurich, Switzerland

IPON Roundtables

- ▶ Argentina's Commissioner in Montreux, Switzerland
- ▶ Australia's Commissioner in Montreux, Switzerland
- ▶ BCRs in Washington DC
- ▶ European HR issues in Washington DC
- ▶ Canadian HR issues in Toronto
- ▶ Asia Pacific Briefing, London
- ▶ Asia-Pacific Conference, Strasbourg

Issues Meetings

- ▶ Employee monitoring
- ▶ Data protection training
- ▶ Data protection standards
- ▶ E-marketing
- ▶ Art 29 DP Working Party
- ▶ International data transfers
- ▶ Outsourcing
- ▶ Data breach laws in Europe
- ▶ Data protection management
- ▶ Review of the EU DP Directive
- ▶ Outsourcing projects to India and other countries without a DP law
- ▶ Binding Corporate Rules

Membership Fee
3 meetings and papers
£1,500 +17.5% VAT

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- IMS Health
- Intel
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Conference Registration

You must pay in advance to attend this conference

Days Attending Conference:

- Mon July 5th Tues July 6th Wed July 7th
(For college accommodation see below)

- 3 Day Conference & Papers *including all meals for duration of conference* **£1,675 GBP +17.5% VAT (£1,968.13)**
 2 Day Conference & Papers *including lunch both days & dinner on the middle evening* **£1,135 +17.5% VAT (£1,333.63)**
 1 Day Conference & Papers *including lunch* **£575 GBP +17.5% VAT (£675.63)**

10% Discount for group bookings of a minimum of 8 days, when booked at the same time and paid on one invoice. **Please contact the PL&B office to arrange this discount.**

All meals starting 5th July included in registration fees

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 Sun 4th July Mon 5th July Tues 6th July Wed 7th July
 Conference Slides & Documentation *(for non-participants)* **£150 GBP +17.5% VAT (£176.25)**

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Data Breach Notification Report

- Data Breach Notification Laws in Europe Report (available in PDF format only) **£200 GBP +17.5% VAT (£235)**

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If you are unable to attend the conference for any reason, you may make substitutions at no additional charge but you must inform us in advance.

If you wish to cancel your booking, you must do so by June 11th. Either an administration fee of 20% will be payable or you will receive a full credit towards another PL&B service. If full payment has already been made, the balance (less the administration fee) will be refunded.

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