

The background of the slide features a large, wavy graphic of the United States flag on the left and the European Union flag on the right. The American flag has its characteristic stars and stripes, while the European Union flag is a blue field with twelve yellow stars arranged in a circle.

The New European Privacy Rules: A Sea Change for American Companies

March 16, 2016

Purpose of Panel

Discuss three major changes in EU privacy rules that have significant implications for US companies and law firms with European contacts

Purpose of Panel

- 1. In October, 2015 the European Court of Justice invalidated the EU-US Safe Harbor arrangement that allowed European entities to send personal information to certifying American companies**
2. In December 2015 after almost four years of work, political agreement was reached on the General Data Protection Regulation superseding the EU Member State Laws implementing the 1995 Data Protection Directive
3. In February of 2016 the EU Commission and the Department of Commerce reached agreement on the terms of a “Privacy Shield,” an administrative agreement between the EU and the US designed to be Safe Harbor 2.0 and imposing much stricter obligations on certifying American companies

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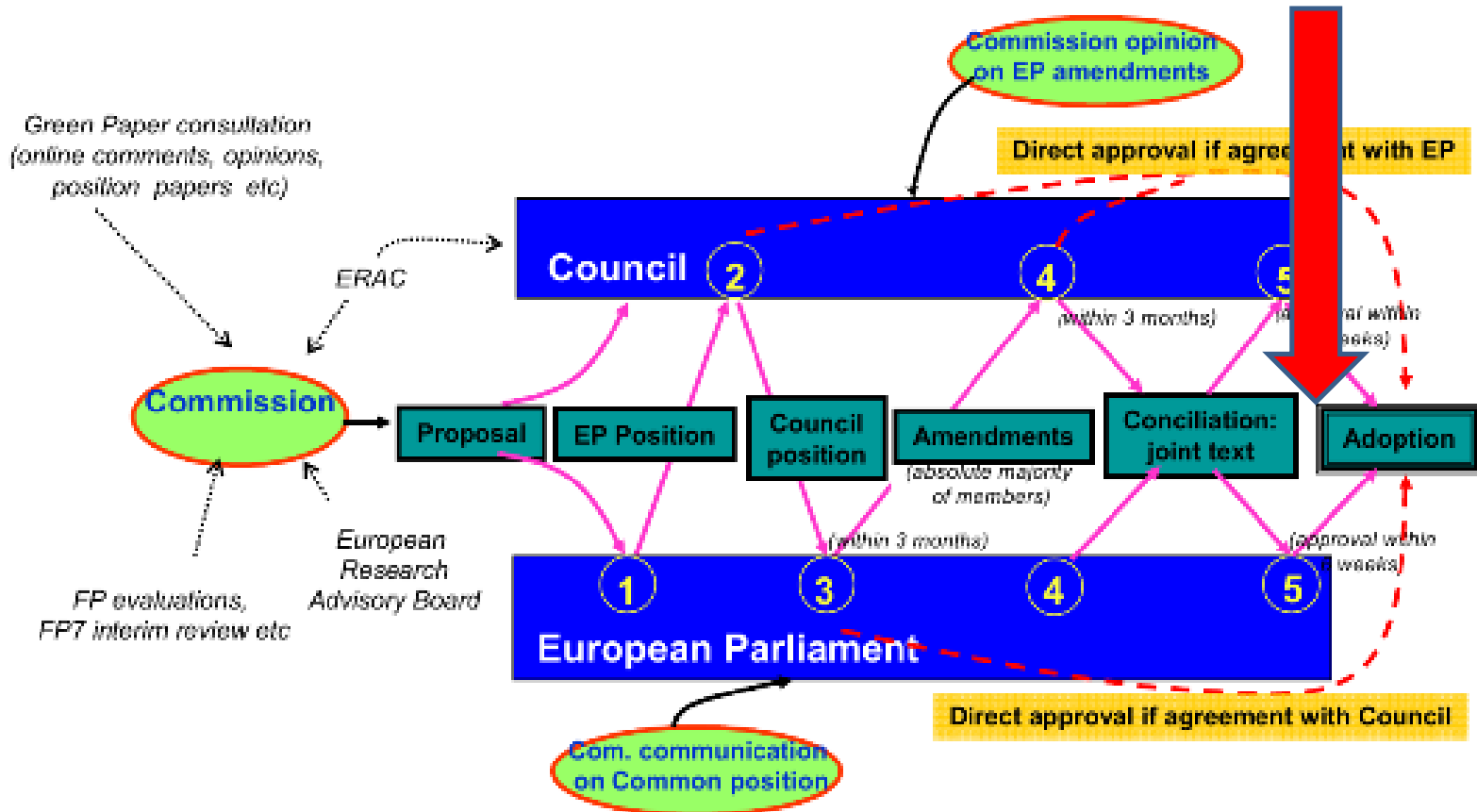
- Panel will discuss the some of the major consequences of these events
- Focus on what has changed and what it means for American companies and law firms
- Process will be for moderator to ask questions of our panel members and let the panel respond and discuss
- Question opportunities for audience in the middle and at the end of panel – slide will let you know when

Status of the General Data Protection Regulation

Exactly what has happened
legislatively? (RR)

The “Ordinary legislative procedure” (ex “co-decision”)

Technical
language
revisions



Status of the General Data Protection Regulation

Do we now really have a
single law in the EU/EEA?
(KC)

Status of the General Data Protection Regulation

Will we really have “one
stop shopping” for data
protection matters in the
EU? (KC)

Impact of GDPR

Why should **American** companies and law firms be concerned about this European legislation?

Cross-Border Transfers

What has changed with respect to cross-border transfers of Personal Information?

Impact of GDPR

Can American companies
comply with US discovery
demands for personal
information located in
Europe? **(MW)**

Consent

Can consent still be used as a basis for processing personal data in the EU or transferring it to the US?
(CM)

Questions



New Administrative Burdens

Will American companies
have to appoint a Data
Protection Officer (DPO).

What does a DPO have to do?

Can it be external? **(KC)**

New Administrative Burdens

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New Administrative Burdens

Are there new record-keeping requirements companies and firms will have to institute? **(KC)**

New Administrative Burdens

What processing
restrictions will a data
subject be able to impose?
(CM)

New Administrative Burdens

The GDPR creates a right to be forgotten on the part of a data subject. What is that and how does your company plan to comply? **(DG)**

New Administrative Burdens

The GDPR imposes American-style data breach notification rules. What are those rules and What should a company do in preparation for an incident? **(KC)**

New Administrative Burdens

Does the GDPR have provisions relating to children's privacy and how can a company comply?
(MW)

New Administrative Burdens

What are the new data portability rights of a data subject? **(MW)**

Questions

