



Data Protection and Privacy

Les données personnelles sont un enjeu commercial crucial mais leur usage est particulièrement réglementé. Malgré les efforts déployés par les entreprises pour suivre l'évolution rapide et critique des lois sur la protection des données, elles restent confrontées à un risque constant de violations graves de la réglementation ainsi qu'à un accroissement permanent du nombre de cyber-attaques. Ces risques justifient un suivi du programme de conformité mis en place notamment pour identifier toutes mises à jour nécessaires à la protection de l'entreprise justifiées notamment par l'évolution de l'activité ou de l'environnement de l'entreprise. Cela est d'autant plus important que les autorités de protection des données s'organisent pour coopérer entre elles et avec d'autres autorités administratives telles que la DGCCRF pour conduire leurs investigations et prononcer des sanctions dont les montants ne sont plus symboliques.

Dans le monde entier, nos avocats dédiés à la protection des données et à la cybersécurité travaillent en étroite collaboration et avec l'ensemble des pratiques du cabinet afin de toujours mieux comprendre les besoins de nos clients.

DLA Piper propose une expertise en matière de gestion et de sécurité des données personnelles et du droit au respect de la vie privée, quel que soit le lieu où ses clients exercent leurs activités. Notre présence à l'échelle mondiale et notre expérience approfondie dans chaque région permettent à nos clients de bénéficier de notre connaissance du droit local au travers de conseils pratiques. DLA Piper est un cabinet de premier choix pour accompagner ses clients sur l'ensemble des questions relatives aux données personnelles.

Les membres de notre équipe sont très impliqués dans les évolutions parlementaires de la réglementation locale et entretiennent des contacts étroits avec les législateurs en Asie Pacifique, en Europe et aux États-Unis. Notre équipe a joué un rôle majeur à l'avant-garde du développement des lois sur la protection de la vie privée et la sécurité des données dans le monde entier. Notre équipe Data a assisté ces dernières années plus de 100 organisations multinationales pour concevoir et mettre en œuvre des programmes de protection de la vie privée et de sécurité des données. Ces programmes, toujours axés sur l'évaluation des risques, visent notamment à élaborer des politiques internationales, mettre en œuvre des stratégies efficaces de transferts internationaux de données, négocier des accords de transfert, des contrats de

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- Antitrust and Competition
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- Employment
- Intellectual Property and Technology

responsabilité conjointe ou tous accords internationaux complexes. Notre équipe data assure également la défense de ses clients dans le cadre d'actions collectives.

Nous offrons une palette de services pour une clientèle multisectorielle notamment sur les aspects suivants :

- Audit du programme de conformité en place au sein de l'entreprise et audit des sites web
- Audit de conformité dans le cadre d'opérations d'acquisition et plan d'actions correctives
- Mise en œuvre et suivi des programmes de conformité
- Conseil sur la mise en place d'une structure de gouvernance
- Conseils sur la mise en place d'outils pouvant être considérés comme intrusifs (surveillance des systèmes IT, vidéosurveillance, caméra thermique, technologies biométriques, objets connectés, intelligence , webscrapping, etc.)
- Stratégie de réponses face à l'exercice des droits des personnes concernées
- Programme de cybersécurité, gestion des incidents et stratégie à adopter en cas de violations des données
- Conseil sur les pratiques d'investigations et e--discovery
- Conseil sur les projets impliquant des traitements de données de santé (imagerie médicale, plateforme de télémédecine, ...)
- Conseils sur les aspects données personnelles des programmes de « compliance » (screening, alertes professionnelles, ...)
- Assistance aux contrôles des autorités de protection des données (préparation aux contrôles, assistance lors du contrôle et post contrôle)
- Gestion globale des transferts de données (accords de transfert, BCR, etc.)
- Consultation sur les statuts applicables (responsable de traitement, responsable de traitement conjoints et sous-traitant) et rédaction des clauses/contrats en découlant
- Lobbying et liaison avec le gouvernement
- Relations avec les autorités de contrôle (demande d'avis, consultation, etc.)

- Regulatory and Government Affairs
- Technology Transactions and Strategic Sourcing

AUTRES SECTEURS

- Banque et services financiers
- Energie
- Assurance
- Sciences de la vie
- Médias, Sports et Divertissement
- Technologies

EXPERIENCE

- We provide cutting edge global advice to a leading global mobile chip manufacturer on notice, consent, data transfer, access correction and data retention requirements applicable to rolling out a suite of mobile apps that use device identifier data, location data and offer geo-fencing capabilities. In addition, we have advised the company on Chinese requirements related to storage of data in China, on application of the US COPPA children's privacy rule to the company's technologies and on the US multi-stakeholder negotiations on mobile app short-form privacy notices.
- We designed and advised on the implementation and rollout of a whistleblowing hotline for a leading pharmaceutical company across the European Union. The outcome of this project was a whistleblowing hotline compliant in 29 European countries, with as little modification as possible on a country-by-country basis. The multi-year process involved liaising with counsel in the relevant countries, producing documentation for employees, drafting key agreements between group entities and service providers, and creating internal operational guidance documentation for use in investigations.
- We are the appointed exclusive data protection advisor to the world's largest fashion retailer. The appointment began with a 51-country multi-year compliance audit of all its subsidiaries operating under its 8 global retail brands. This exercise was unique because, in addition to document reviews and interviews, we conducted extensive on-site audits of all operational functions within the organization, such as sales, marketing, online sales, finance and vendor management. The review covered Milan, Paris, Moscow, Shanghai, Beijing, Hong Kong and Macau.
- We advise a large communications company on privacy compliance issues related to information practice and digital advertising on its cable, internet and telecommunications service and with regard to the company's cyber-security program. We are providing compliance and strategic advice on new proposed data use cases, revisions to their privacy policy and consumer opt-out mechanisms. We are assisting the company before self-regulatory organizations and in responding to congressional and regulator inquiries. We are also providing strategic advice to one of their companies regarding its cyber-security and mobile privacy initiatives

and advising the company on data security strategies as well as representing a business unit in an FTC mobile app security investigation.

- We represent a global pharmaceutical company with the rollout of a follow-the-sun customer service response model for product inquiries. The project includes the following activities related to privacy compliance in Latin America, Asia-Pac and Europe: analysis of privacy notice and consent requirements, review of security requirements in a number of Latin American countries, and the drafting, localization and implementation of a global intra-group data transfer agreement for compliance purposes, in order to support the follow-the-sun customer service model.
- Representing a coalition of 20 major communications, Internet, media and retail companies we have helped to draft all of the U.S. state privacy, security and e-commerce legislation that has become law over the past eight years.

ACTUALITÉS

Publications

Harnessing the power of data analytics to drive compliance

19 September 2022

[PRACTICAL COMPLIANCE](#)

The age of data analytics in corporate compliance programs and regulatory enforcement is here.

Federal agency reports on responsible development of digital assets are due this week

6 September 2022

An array of agency reports are due.

eSignature and ePayment News and Trends

6 September 2022

[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)

Federal agencies' reports on responsible development of digital assets are due to the President this week.

China's emerging data protection laws bring challenges for conducting investigations in China

25 July 2022

China has introduced a number of major data protection laws, including the Personal Information Protection Law and the Data Security Law. These new laws will pose significant challenges for companies when conducting or responding to investigations in China.

The rise of global telehealth

30 June 2022

[AT THE INTERSECTION OF SCIENCE AND LAW PODCAST SERIES](#)

Partners Kristi Kung and Greg Bodulovic discuss the rise of telehealth amid the COVID-19 pandemic, as well as advancements in technology aiming to address disparate access to healthcare globally.

Exploring the metaverse: What laws will apply?

22 June 2022

[INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS](#)

For those intrigued by the metaverse, and for creators building metaverse projects, here are practical considerations.

Blockchain and Digital Assets News and Trends

16 June 2022

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

Responsible Financial Innovation Act, the new proposed crypto regulation bill, provides some clarity on tax issues.

Biden Administration's Greenbook signals continued focus on taxation of cryptocurrency and digital assets

23 May 2022

The Greenbook outlines a number of tax proposals addressing trading and lending of cryptocurrency and digital assets.

Blockchain and Digital Assets News and Trends

23 May 2022

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

OECD releases public consultation document on crypto tax reporting in effort to increase transparency.

OECD releases public consultation document on crypto tax reporting in effort to increase transparency

23 May 2022

The proposed framework would provide for automatic exchange of tax-relevant information between tax administrations for cryptoasset transactions.

Embracing the movement towards digital and ESG

11 May 2022

As governments seek to shape the country's long-term response to COVID-19, greater focus and concern over ESG initiatives is emerging.

eSignature and ePayment News and Trends

11 May 2022

[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)

Embracing the movement towards digital and ESG.

Israel Group News April 2022

28 April 2022

[ISRAEL GROUP NEWS](#)

In this issue, our global activities, latest publications, recent events and more.

Biden Administration urges American companies to act quickly to improve cybersecurity safeguards

22 March 2022

[GLOBAL SANCTIONS ALERT](#)

The White House stresses the importance of taking key steps to thwart nation-state bad actor activities.

eSignature and ePayment News and Trends

31 January 2022

[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)

Recently enacted federal and state laws, federal and state regulatory activities, fresh judicial precedent and more.

Israel Group News January 2022

24 January 2022

[ISRAEL GROUP NEWS](#)

In this issue, our global activities, latest publications, recent events and more.

DLA Piper GDPR fines and data breach survey: January 2022

18 January 2022

Data protection supervisory authorities across Europe have issued a total of nearly EUR1.1 billion (USD1.2 / GBP0.9 billion) in fines since 28 January 2021, according to international law firm DLA Piper.

Supporting the health of your health system: 2022

3 January 2022

Helping you tend to healthcare system wellness throughout the business life cycle.

Google files groundbreaking civil suit to disrupt massive botnet with blockchain backup system

10 December 2021

Civil actions to take down botnets have been around for years, but the blockchain aspect adds a new twist.

UAE: Federal level data protection law enacted

6 December 2021

The United Arab Emirates (UAE) has enacted its long awaited federal level data protection law. This article examines some of its key features.

Blockchain and Digital Assets News and Trends

22 November 2021

BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS

Infrastructure bill, including crypto "broker" rules, becomes law.

Israel Group News October 2021

25 October 2021

ISRAEL GROUP NEWS

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The global landscape of data privacy: Important points about new laws in three key jurisdictions

21 September 2021

PRACTICAL COMPLIANCE

New data privacy requirements in three important jurisdictions – the European Union, China, and Brazil – with an emphasis on action steps for compliance officers.

Artificial Intelligence and how the courts approach the legal implications

16 September 2021

Through an analysis of significant cases, this article takes a close look at the contractual implications of artificial intelligence and how it can give rise to legal liability by exposing businesses to financial and representational risk.

Consumer Em-Power-ment: Treasury proposes draft rules for the Consumer Data Right in the Australian energy sector

3 September 2021

The Australian Government Treasury has released for industry consultation, draft amendments to the Consumer Data Right rules and regulations made under the Competition and Consumer Act 2010 (Cth), seeking to expand the Consumer Data Right regime into the energy sector.

Israel Group News August 2021

16 August 2021

ISRAEL GROUP NEWS

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GDPR Snapshot vlog series 2021: Romania

9 August 2021

GDPR SNAPSHOT VLOG SERIES 2021

In this vlog, Bucharest counsel Irina Macovei and managing associate Andrei Stoica explore the impact and challenges of GDPR in Romania.

EDPB's final Recommendations on Supplementary Measures confirm a subjective approach to assessing personal data transfer risks

2 July 2021

The Recommendations' detailed guidance will be useful to businesses and privacy practitioners as they conduct or update their transfer assessments, but the scope and detail of those assessments will require a sustained effort.

Fending off phishing attacks: Some simple steps using trademark law

June 2021

We often think about how to respond once a breach has occurred, but rarely do we consider how to prevent a breach or scam entirely.

European Commission's standard contractual clauses: extensive new requirements coming for US businesses receiving EU personal data subject to GDPR

8 June 2021

Adopting and complying with the New SCCs may require considerable effort for importers, particularly those that are not otherwise directly subject to GDPR.

GDPR Snapshot vlog series 2021: Ireland

2 June 2021

[GDPR SNAPSHOT VLOG SERIES 2021](#)

In this vlog, Dublin partner, John Magee, explores the impact and challenges of GDPR in Ireland.

GDPR Snapshot vlog series 2021: Hong Kong

31 May 2021

[GDPR SNAPSHOT VLOG SERIES 2021](#)

In this vlog, Hong Kong partner, Carolyn Bigg, explores the impact and challenges of GDPR in Hong Kong.

GDPR Snapshot vlog series 2021: Austria

28 May 2021

GDPR SNAPSHOT VLOG SERIES 2021

In this vlog Austria partner Sabine Fehringer and Counsel Stefan Panic explore the impact and challenges of GDPR in Austria.

GDPR Snapshot vlog series 2021: Germany

28 May 2021

GDPR SNAPSHOT VLOG SERIES 2021

In this vlog German partner, Verena Grentzenberg explores the impacts and challenges of GDPR in Germany.

GDPR Snapshot vlog series 2021: Belgium

25 May 2021

GDPR SNAPSHOT VLOG SERIES 2021

In this vlog, Brussels counsel, Heidi Waem, explores the impact and challenges of GDPR in Belgium.

GDPR Snapshot vlog series 2021: Italy

25 May 2021

GDPR SNAPSHOT VLOG SERIES 2021

In this vlog, Milan partner, Giulio Coraggio, explores the impact and challenges of GDPR in Italy.

GDPR Snapshot vlog series 2021: Poland

25 May 2021

[GDPR SNAPSHOT VLOG SERIES 2021](#)

In this vlog, Warsaw partner, Ewa Kurowska-Tober, explores the impact and challenges of GDPR in Poland.

GDPR Snapshot vlog series 2021: Spain

25 May 2021

[GDPR SNAPSHOT VLOG SERIES 2021](#)

In this vlog, Madrid partner, Diego Ramos Pascual, explores the impact and challenges of GDPR in Spain.

GDPR Snapshot vlog series 2021: UK

25 May 2021

GDPR SNAPSHOT VLOG SERIES 2021

In this vlog, UK partners, Ross McKean and Andrew Dyson, explore the impact and challenges of GDPR in the UK.

Israel Group News May 2021

1 May 2021

ISRAEL GROUP NEWS

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Episode 16: New data classifications and data localisation for financial institutions in China

21 April 2021

NAVIGATING CHINA: THE DIGITAL JOURNEY

Important new guidelines outlining how personal and other types of financial information should be handled by financial institutions throughout the data lifecycle have just come into force in China, including a new data localisation obligation.

Episode 15: Comprehensive New E-Commerce Rules Introduced

23 March 2021

NAVIGATING CHINA: THE DIGITAL JOURNEY

Operators of e-commerce platforms, websites and apps in China, and those using third party e-commerce, social media or livestreaming platforms to sell their products and services in China, must update their operations, services and systems in advance of wide-ranging new rules.

Blockchain and Digital Assets News and Trends

25 February 2021

BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS

Canada's AML regime amendments: is your interactive entertainment service or platform operating a "money service business"?

Gems, coins, bells and bottle caps: Canadian AML regime amendments affect some video game and social media virtual currencies

25 February 2021

Providers of video games and online entertainment that offer virtual currency as part of game play may be "money service businesses" under Canada's anti-money laundering rules.

Announced, proposed and implemented: Developments in Digital Services Tax in key European jurisdictions

9 February 2021

While the OECD and G20 work toward a global agreement on digital services taxes, some European countries have forged ahead on their own.

Announced, proposed and implemented: Key features of France's DST

9 February 2021

The French definition of "taxable service" under the DST differs from the definition of "taxable services" as used for VAT purposes.

Announced, proposed and implemented: Key features of Italy's DST

9 February 2021

The Italian DST applies only to revenues deriving from the provision of tax-relevant digital services linked to Italian-located users.

Announced, proposed and implemented: Key features of Spain's DST

9 February 2021

The annual worldwide revenue threshold is not limited to revenues generated by the provision of digital services, meaning that non-tech businesses may also need to comply.

Announced, proposed and implemented: Key features of the United Kingdom's DST

9 February 2021

The UK's DST is intended to be an interim measure pending a long-term global solution to the tax challenges arising from digitalization.

Disputes, Issue 2

28 January 2021

DISPUTES

In this issue, we look at the split among the federal circuits over what it means to "exceed authorized access" in violation of the Computer Fraud and Abuse Act; the ways in which the federal courts apply the Supreme Court's recent limitations on equitable disgorgement; ways to mitigate liability risk in unauthorized financial transfers; considerations for employers as they develop policies regarding use of cannabis in their workforce; and the critical importance of escalation protocols in corporate whistleblower programs.

Supreme Court dives into circuit split over the Computer Fraud and Abuse Act

28 January 2021

What does it mean to "exceed authorized access" to an Internet-connected device?

Unauthorized financial transaction fraud: Mitigating liability risks

28 January 2021

Prudent financial institutions are seeking to protect themselves against liability for third-party fraud and accountholder carelessness.

Israel Group News January 2021

19 January 2021

ISRAEL GROUP NEWS

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The UK-EU Trade and Cooperation Agreement: Implications for technology services

11 January 2021

The TCA includes a chapter relating to digital services which provides some key details relevant to both providers and customers of technology-related services.

Who's responsible for content posted on the Internet? Section 230, explained

22 December 2020

What the law does, what people are saying it should do, and what might happen next.

When a threat actor strikes: Legal considerations and challenges in a ransomware attack

21 December 2020

Evidence suggests that having employees working remotely significantly increases the risk of a successful ransomware attack.

Blockchain and Digital Assets News and Trends

23 November 2020

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

IMF issues report on regulatory framework for CBDs and GSCs, SEC invites feedback on application of custody rule to digital assets.

Navigating China Episode 14: New draft national, harmonised data protection law for Mainland China

23 October 2020

[NAVIGATING CHINA: THE DIGITAL JOURNEY](#)

A first national level personal information protection law for Mainland China has been published, reinforcing and heightening existing data protection compliance obligations for organisations doing business in China.

Blockchain and Digital Assets News and Trends

21 October 2020

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

SDNY finds Kin token is a security; unpacking the DOJ's cryptocurrency guidance – plus latest legal, regulatory and case law developments.

Singapore: Imminent Changes to the Personal Data Protection Act 2012 (PDPA)

16 October 2020

On 5 October 2020, the Singapore Personal Data Protection (Amendment) Bill (Bill) was tabled in Parliament for the first reading. It is expected that the Bill will be passed before the end of the year if not sooner.

Israel Group News October 2020

7 October 2020

ISRAEL GROUP NEWS

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Coronavirus Resource Center: Our global repository of insights and events

30 September 2020

A central repository for our reports and commentary on the legal and regulatory concerns arising from the pandemic.

Philadelphia grows privacy capabilities with a new arrival

30 September 2020

Ronald Plesco, an internationally known information security and privacy lawyer, has joined our Philadelphia office.

US companies: EU data regulation means new oversight

2 DEC 2015

Many US companies are about to experience new regulatory oversight.

EU: new obligations for digital services providers and operators of essential services

28 JUN 2016

In line with the EU's broader Cyber Security Strategy, the NIS Directive is a significant step towards a more secure cross-border cyberspace with a high shared level of network and information system security.

Plan now to use off-band communications during an incident response: key points

27 OCT 2015

A robust IR plan should include communications techniques that operate outside regular company communication methods.

Information security obligations for Australian businesses under the Privacy Act: A reminder from the OAIC

14 MAY 2013

At the launch of this year's Privacy Awareness Week on 29 April 2013, the OAIC released its new Guide to Information Security: 'Reasonable steps to protect personal information' ("**Guide**"). The Guide aims to assist Australian businesses and those carrying on

business in Australia to interpret the continuing requirement under the Privacy Act (both under the current and the amended law) to "take reasonable steps" to protect the personal information they hold.

UK: The real risk of cyber attack

1 AUG 2011

Evènements

Récemment

Digital regulation in the EU/UK: Navigating new rules on data transfers, AI and data protection

September 5, 2022

EDPB, SCCs and Brexit: The future of global data transfers

8 July 2021
Webinar

New EU Standard Contractual Clauses (SCC's)

21 June 2021
Webinar

Coffee with Colleagues: Featuring Andrew Dyson

10 February 2021
Webinar

Consulting

DLA Piper's Data Protection, Privacy and Security practice enhances its legal skills with the addition of highly experienced certified risk, privacy, security and cybersecurity professionals, among them Ron Plesco and Erik Harssema, formerly of one of the largest Big 4 privacy and data protection advisory practices, who provide consultancy services to our global clients. Advising on practical implementation of legal advice; structuring privacy programs and related control environments; benchmarking; best practice identification; and cybersecurity risk mitigation, the consultants work with our highly ranked privacy and breach response lawyers as a single, integrated privacy team to provide a joint and comprehensive legal and consulting approach to data risk, privacy, cyber and security projects. This approach is a significant differentiator from other large firms, and it has been recognized by notable rankings entities, including BTI Consulting Group, which recently placed the DLA Piper Cybersecurity practice among the Top 7 cybersecurity law firm practices in the United States.

DLA Piper consultants have years of practical experience and maintain a wide variety of relevant certifications. Their ranks include Certified Information Security Professionals (CISSPs); Certified Information Privacy Professionals (CIPPs); and Certified Information Systems Auditors (CISAs). Our experienced consultants are on the front lines of assessing, developing and implementing innovative data risk, privacy and security solutions for some of the world's largest and most geographically diverse companies. We are thought leaders in the field and frequently appear on panels and contribute to industry publications. Our consultants are actively involved in the International Association of Privacy Professionals (IAPP), International Information System Security Certification Consortium (ISC2), and other professional certifying bodies that carry continuing education requirements.

COMPREHENSIVE LEGAL AND CONSULTING SERVICES

DLA Piper's Data Protection, Privacy and Security team covers the full cybersecurity service delivery lifecycle

- compliance and operational risk assessments and identification
- program, policy and operational design
- compliance solution testing and implementation and
- training program development.

We bring sector-specific, globally focused data privacy and protection experience in such areas as compliance and control assessment, cross-border data transfer enablement, incident response and vendor management.

TESTED METHODOLOGIES

We have developed an agile and repeatable approach to deliver data privacy and security transformation projects. This methodology has been used for more than a decade and has continued to evolve and respond to changes in the market such as agile development methodologies and the rise of cloud based architecture models, among others.

Our consultants advise clients on, among other things:

- data mapping exercises, gap assessment and remediation
- the practical adoption of our firm's legal advice
- benchmarking and industry best practice identification
- incident preparedness
- incident response planning
- the structuring of privacy and compliance programs
- cybersecurity risk mitigation and
- training program development.

Some of our solutions include:

- Project management tools and techniques
- Regulatory and legislative monitoring tools
- Matter management technology solutions
- Privacy assessment and scoring tools
- Customized training programs
- Client communications and continuing education programs

THE RARE BENEFIT OF PROGRAM DEVELOPMENT UNDER PRIVILEGE

DLA Piper has developed a program delivery approach that focuses on putting in place critical protections from moment one. This approach includes protections companies often overlook in the development and implementation of their programs – not least, building in measures to preserve attorney-client privilege (such as for third-party forensics). We offer a single, integrated delivery team of lawyers and consultants that maximizes attorney-client privilege while providing both legal and operational insights.