



## Protection de la vie privée et accès à l'information

Personal information is an increasingly valuable – and increasingly risky – business asset. As businesses struggle to keep up with the critical, fast-changing data protection laws and face an increasing risk of serious data breaches, DLA Piper is uniquely positioned to help guide clients.

With data protection lawyers around the globe, DLA Piper provides highly sophisticated data management, data security and privacy law advice wherever our clients do business. Our global presence combined with our depth of experience in each region gives clients the important advantage of local knowledge and cultural awareness, combined with consistent, practical advice.

Our team members are very involved in their local compliance culture and maintain close contacts with local regulators in Asia Pacific, Europe and the US. The group has played a major role at the forefront of the development of privacy, data security breach and data security laws around the world. Our data protection team has successfully worked together in recent years to assist more than 100 multinational organizations in the design and implementation of global privacy and security programs including carrying out audit and risk assessments, developing global policies, implementing effective international data transfer strategies, negotiating cloud and other complex international data transfer agreements, and defending dozens of regulator and plaintiff's class action bar enforcement actions.

Core areas include:

- Audits and data mapping
- Compliance programs and policies
- Data subject access and opposition rights
- Data security, data loss prevention and data breaches
- Online and mobile tracking and consumer protection regulation
- E-discovery and investigations management
- Global data transfer management (transfer agreements, BCRs, etc.)
- Incident Response Planning and Execution
- Lobbying and government liaison
- Supervisory authority relations (notifications, authorizations, DPO appointments)
- Whistle-blowing hotlines, employee monitoring and suspect persons screening

### EXPERIENCE

#### PERSONNES-RESSOURCES

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- Droit de la concurrence
- Droit des sociétés
- Droit de l'emploi et du travail
- Propriété Intellectuelle
- Commerce international,

- 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.

réglementation et affaires gouvernementales

- Technologies

## SECTEURS RELIÉS

- Financial Services
- Energy and Natural Resources
- Hospitality and Leisure
- Insurance
- Life Sciences
- Media, Sport and Entertainment
- Technology

## 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.