

Data Privacy for Multinationals: How to Build and Implement a Compliance Plan

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Augusta Speiser is responsible for guiding DENTSPLY Internationals efforts relating to ethics and compliance worldwide with particular focus on its European divisions. This includes leading and implementing DENTSPLY Internationals global data privacy compliance program as well as giving advice on specific data privacy issues relating to DENTSPLY's multijurisdictional business structure.

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Janine Regan, a solicitor in the data protection team at Charles Russell Speechlys LLP, advises on global data protection compliance and outsourcing projects for multinationals in sectors such as financial services pharmaceutical, construction and marketing and advertising. Janine is also a Certified Information Privacy Professional for Europe.

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DENSPLY'S Global Footprint

CONSUMABLES		SPECIALTIES			MEDICAL	
PREVENTIVE	RESTORATIVE	PROSTHETICS	ENDODONTIC	IMPLANTS	ORTHODONTIC	ERGOLOGY
NEW PRODUCTS						
LEADING BRANDS						
NUPRO	SureFit	CERAMIC	Dentary	XIVE	Atlantis	Lofric
Cavitron	PalodentPlus	cercon	GP-45	ANKYLOS	In-Oration	Serulloy
XCP-D5	Apical Ultra	Portrait IPM	INEXT	ASTRA TECH	m&M esp 7000	Wellspect

- 12,000+ Employees
- Circa \$3bn sales per annum
- Operations around the globe – direct and through 3rd parties
- Listed on US stock exchange
- Subject to global laws and regulations

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Agenda

- **Part 1:** Overview of global data privacy legal framework; current laws and the future in respect of the proposed European Data Protection Regulation
- **Part 2:** Case study: A practical insight on how a multinational company has built a data privacy compliance plan including the benefits and challenges faced by that company
- **Part 3:** How to ensure that your data privacy program stands the test of time

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Part 1 – Dentsply's drivers for a Data Privacy Project

- To optimise the use of personal data
- To prepare for the proposed general data protection Regulation
- To consolidate global approach to data privacy
- To reduce the risks of sensitive personal data being compromised



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Part 1 – Other drivers for a Data Privacy Project

- Remedial action after a data breach
- Regulatory action taken against other companies / competitors in their sector
- To save legal costs



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Part 1 – Overview of Global Data Privacy Landscape - Current

- Why is data protection important in Europe?
- European Data Protection Directive 95/46/EC
- 28 different legislations on data protection, all based on the Directive
- Key definitions

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Part 1 – Overview of Global Data Privacy Landscape - Current

- Personal data (aka in the US as ‘personally identifiable information’)

“means data which relate to a living individual who can be identified from those data, or from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller”



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Part 1 – Overview of Global Data Privacy Landscape - Current

- Data subject

“means an individual who is the subject of personal data”.



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Part 1 – Overview of Global Data Privacy Landscape - Current

- Sensitive personal data
 - Racial or ethnic origin
 - Political opinions
 - Religious beliefs
 - Trade Union Membership
 - Physical or mental health condition
 - Sexual life
 - ***Criminal offences*** (sometimes)

Note: does not usually include financial data



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Part 1 – Overview of Global Data Privacy Landscape - Current

- Processing

“recording or holding the information or data or carrying out any operation or set of operations on the information or data”

Includes storing, viewing and hosting data



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Part 1 – Overview of Global Data Privacy Landscape - Current

- Data controller

“means....a person who (either along or jointly in common with other persons) determines the purposes for which and the manner in which any personal data are, or are to be, processed”



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Part 1 – Overview of Global Data Privacy Landscape - Current

- Data processor

“means any person who (other than an employee of the data controller) who processes the data on behalf of the data controller”



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Part 1 – Overview of Global Data Privacy Landscape - Current

- International data transfers
- Model Contract Clauses
- Safe Harbor Certification



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Part 1 – Overview of Global Data Privacy Landscape – The Principles

- Personal data must be processed **fairly** and **lawfully**
- Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
- Personal data shall be adequate, relevant and not excessive
- Personal data shall be accurate and, where necessary, kept up to date
- Personal data shall not be kept for longer than is necessary

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Part 1 – Overview of Global Data Privacy Landscape – The Principles

- Personal data shall be processed in accordance with the rights of data subjects (e.g. subject access rights)
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data

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BUT IT DOESN'T END WITH EUROPE...



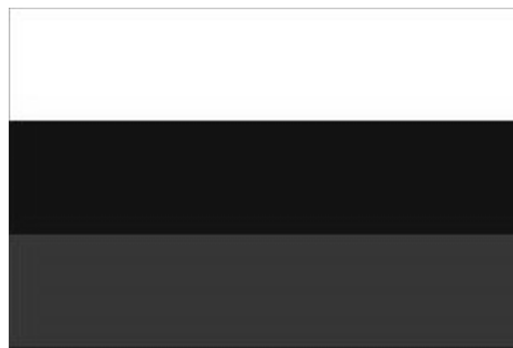
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ARGENTINA



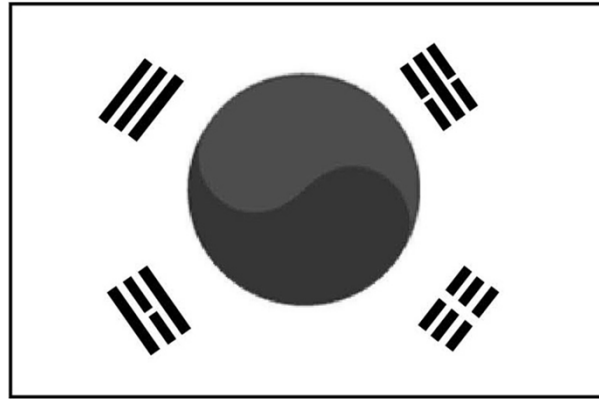
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RUSSIA



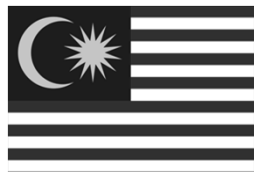
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SOUTH KOREA



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...AND THAT'S JUST TO NAME A FEW!!



Malaysia



Singapore



Taiwan

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Part 1 – Overview of Global Data Privacy Landscape – the USA

- US CAN SPAM ACT
- The Health Insurance Portability and Accountability Act
- Children’s Online Privacy Protection Act
- The Gramm–Leach–Bliley Act



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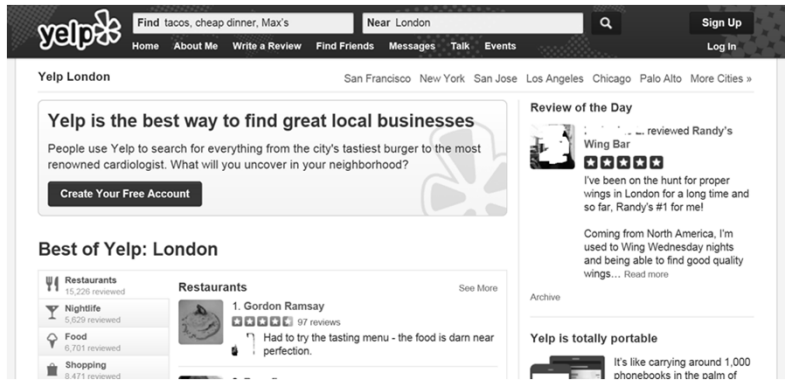
Part 1 – Overview of Global Data Privacy Landscape – the USA

- Federal Trade Commission
- Powers
 - Investigative Authority
 - Enforcement Authority – notably \$16,000 fines *per violation*
- Recent enforcement action...



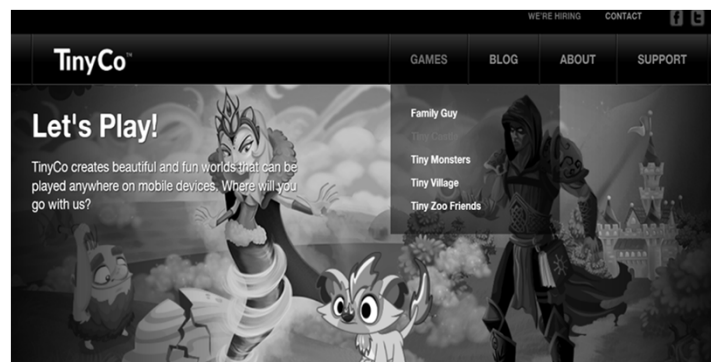
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Part 1 – Overview of Global Data Privacy Landscape – the USA



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Part 1 – Overview of Global Data Privacy Landscape – the USA



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Part 2 – Case Study

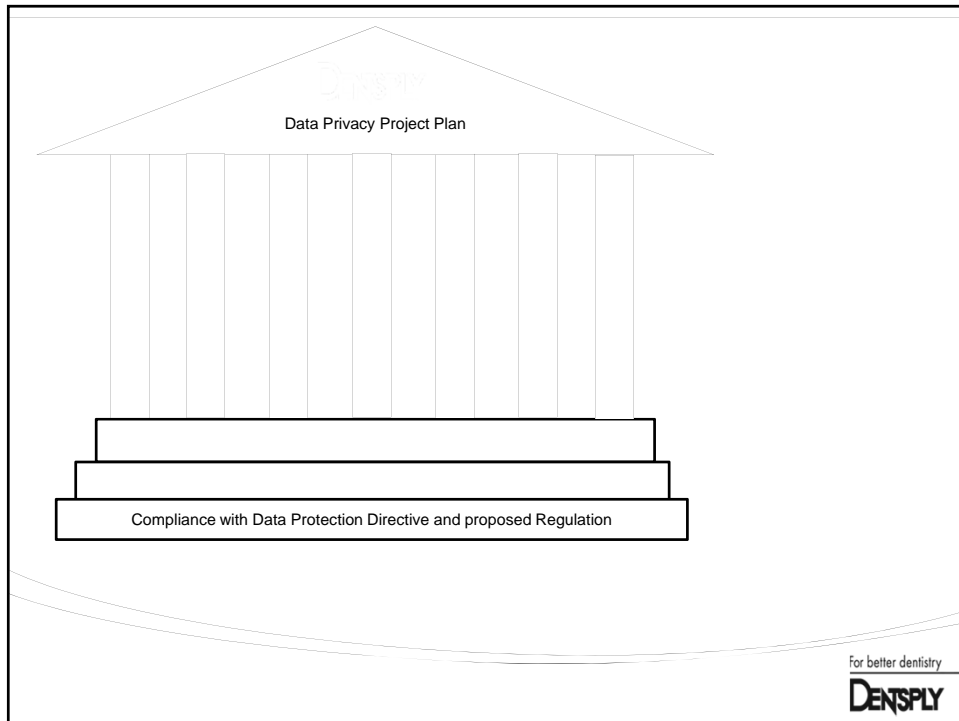
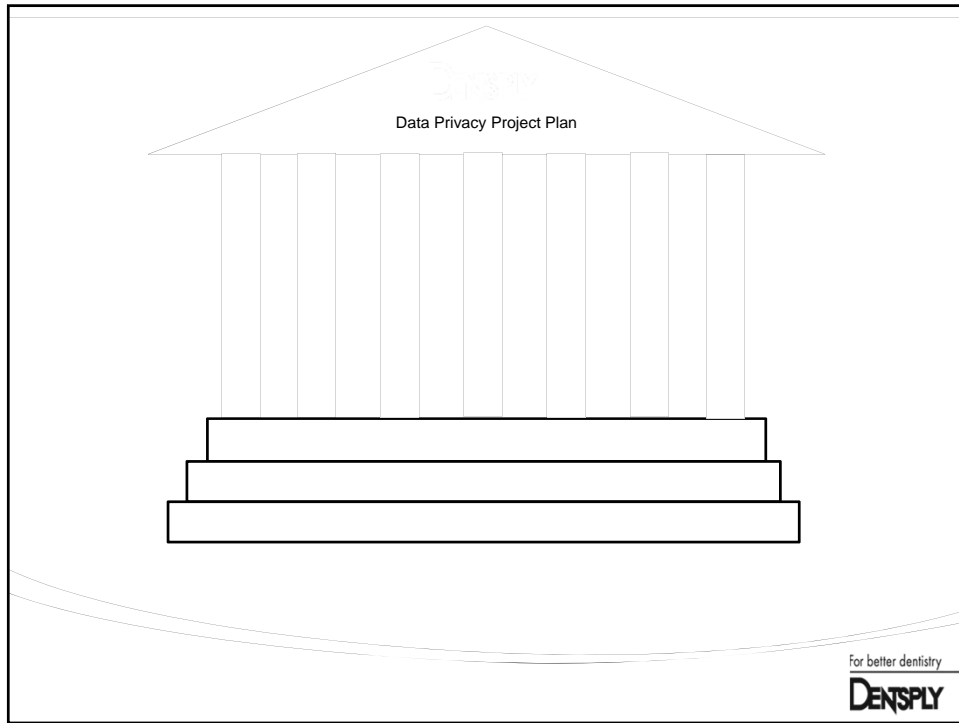


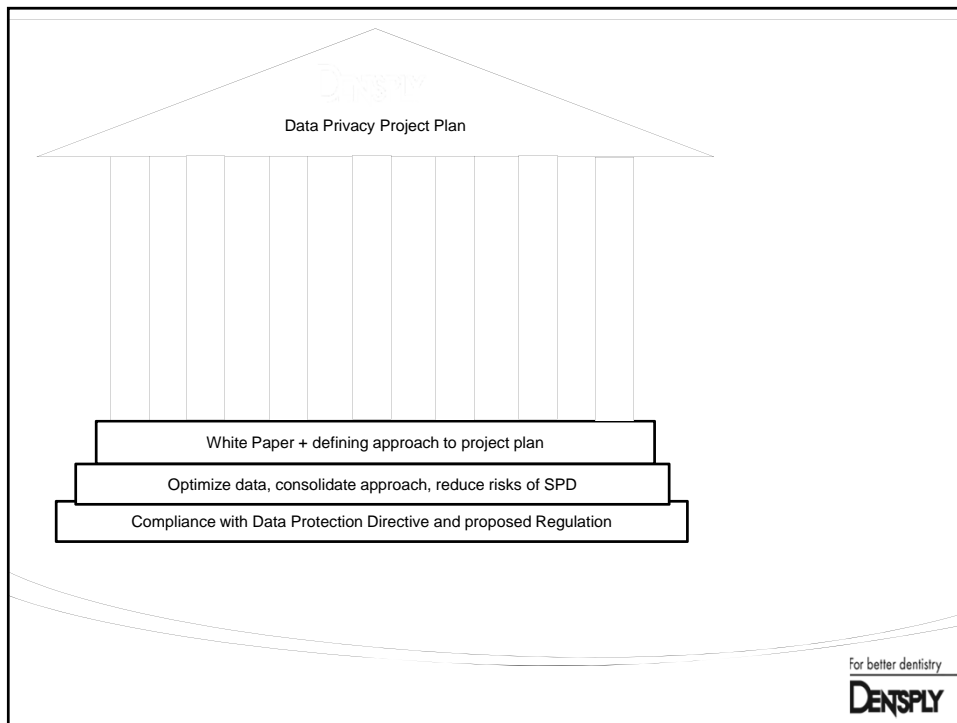
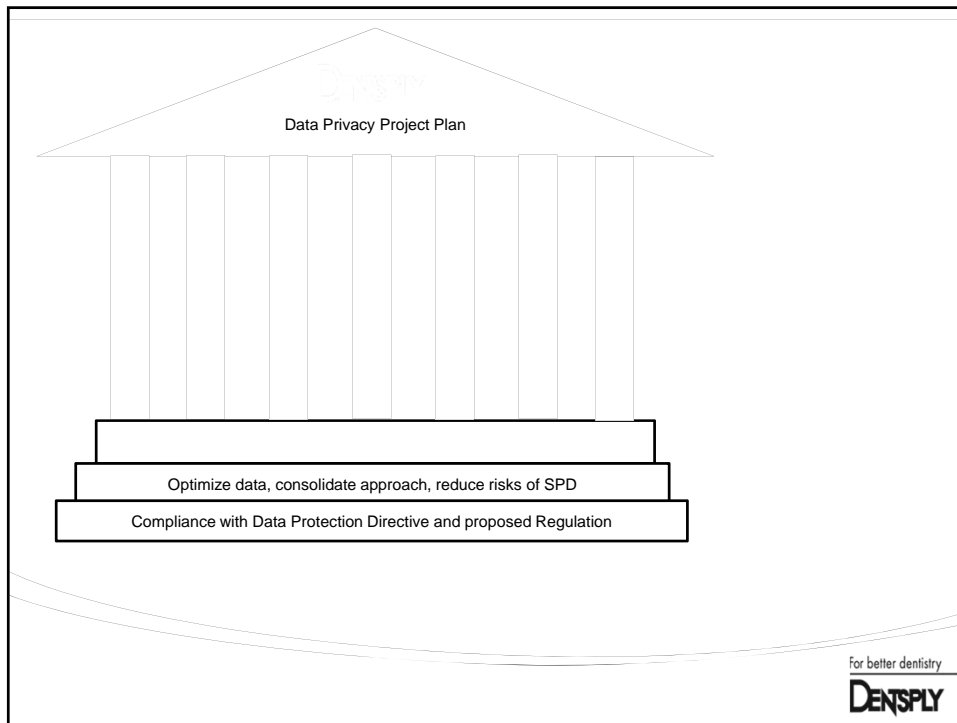
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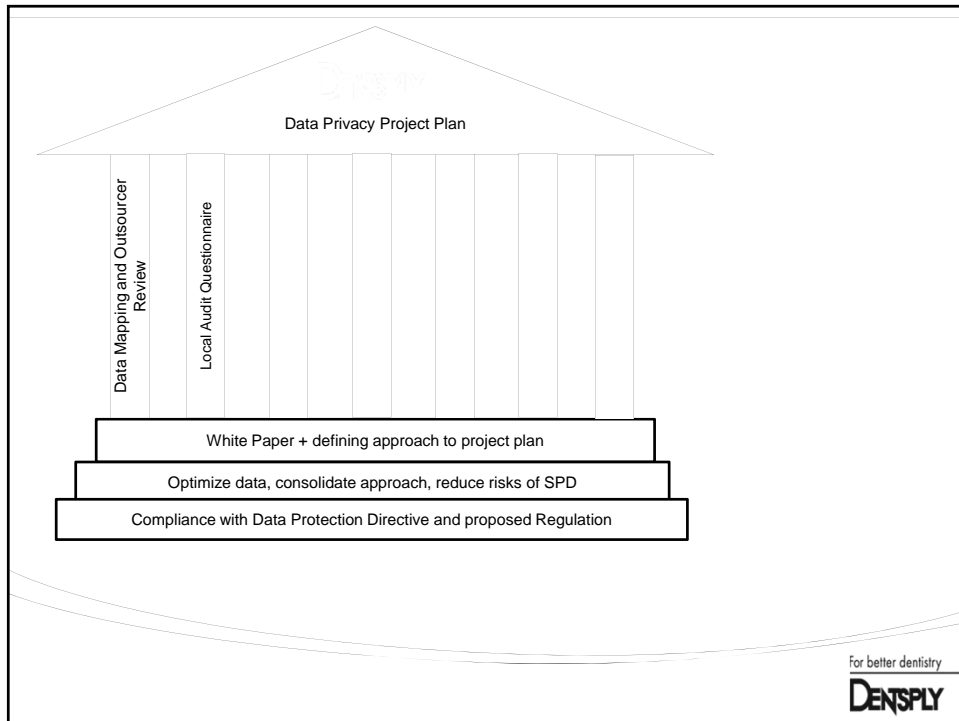
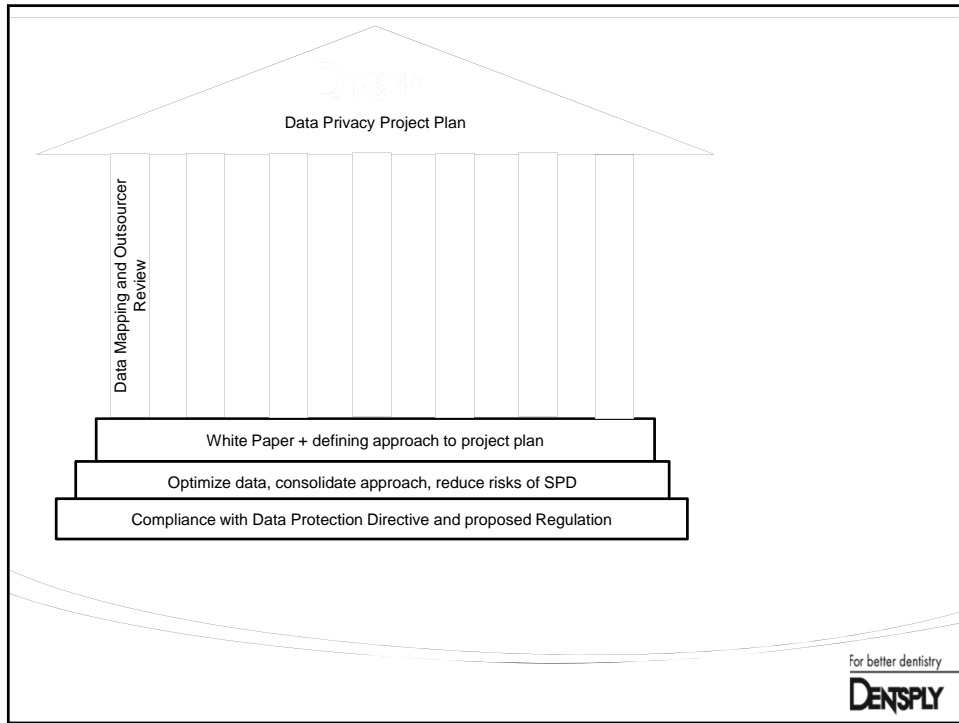
Privacy Map

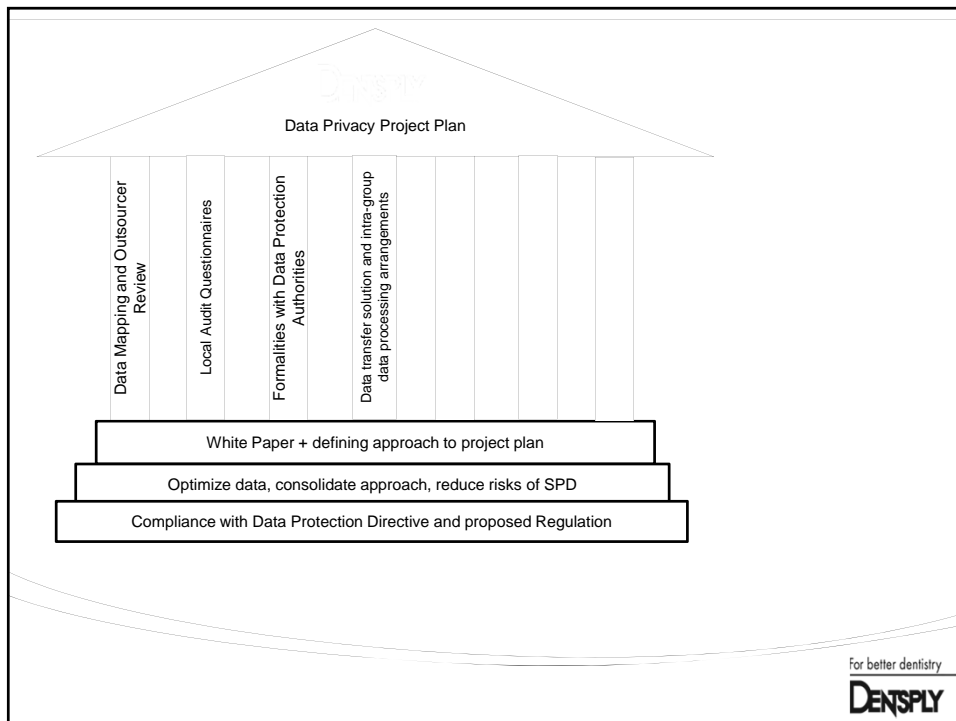
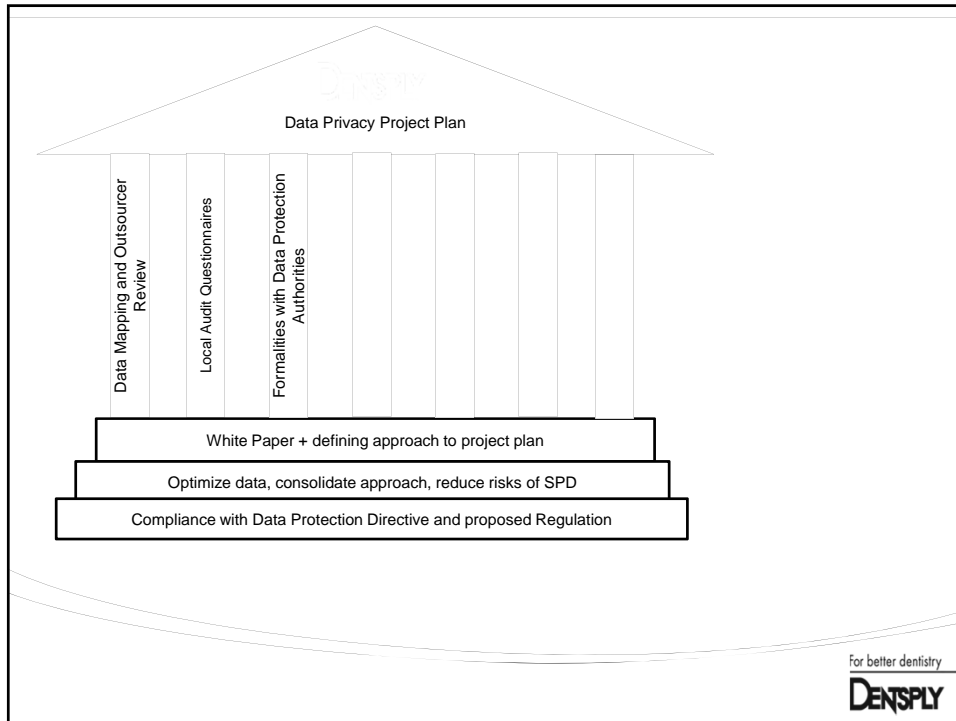


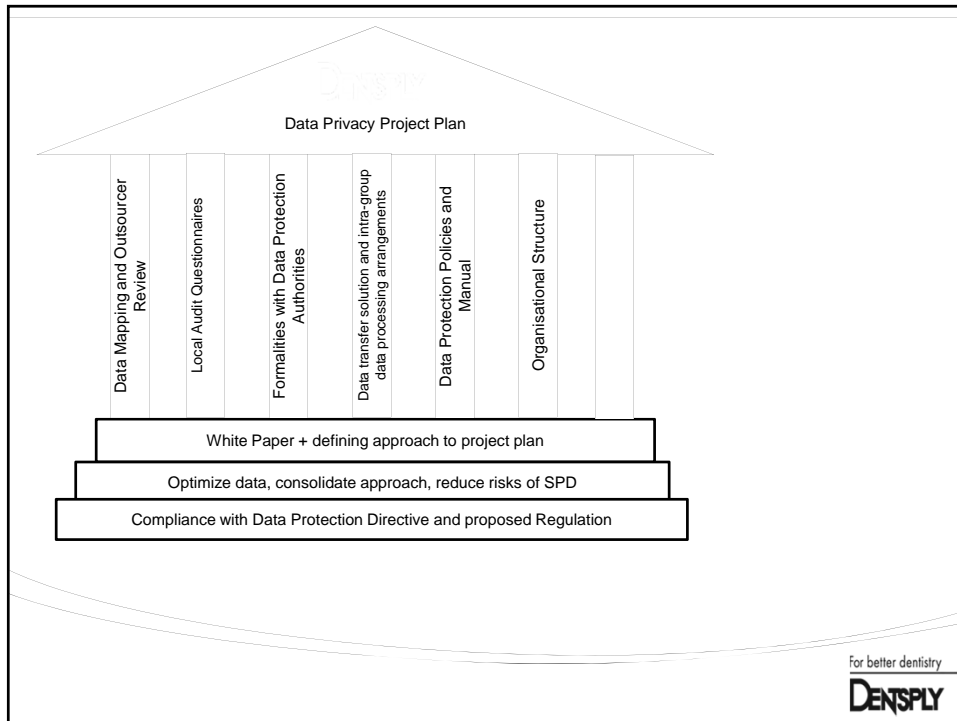
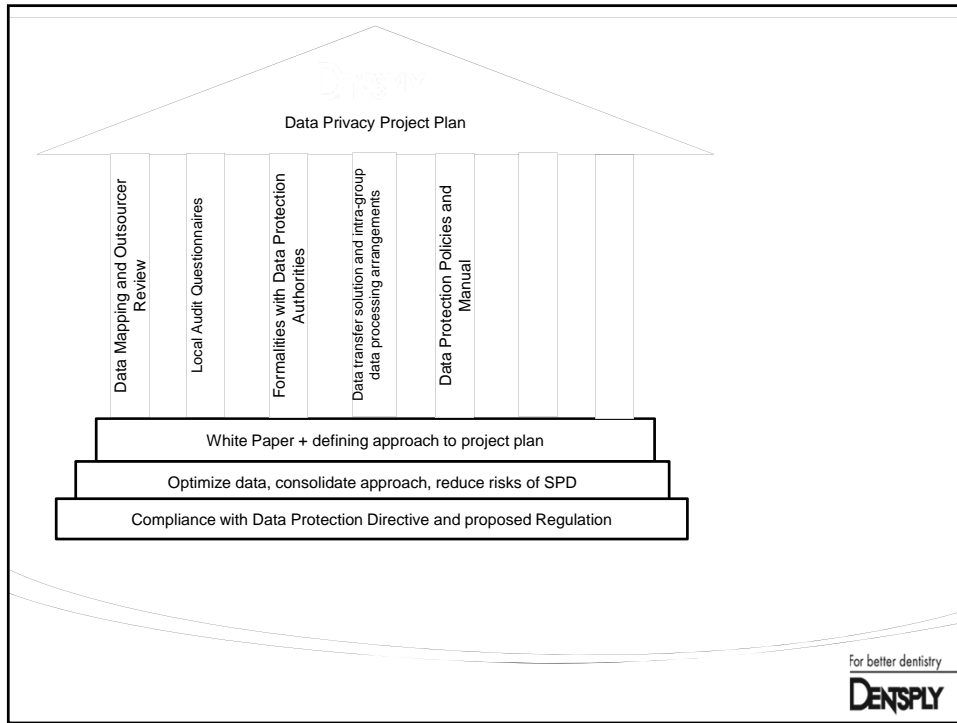
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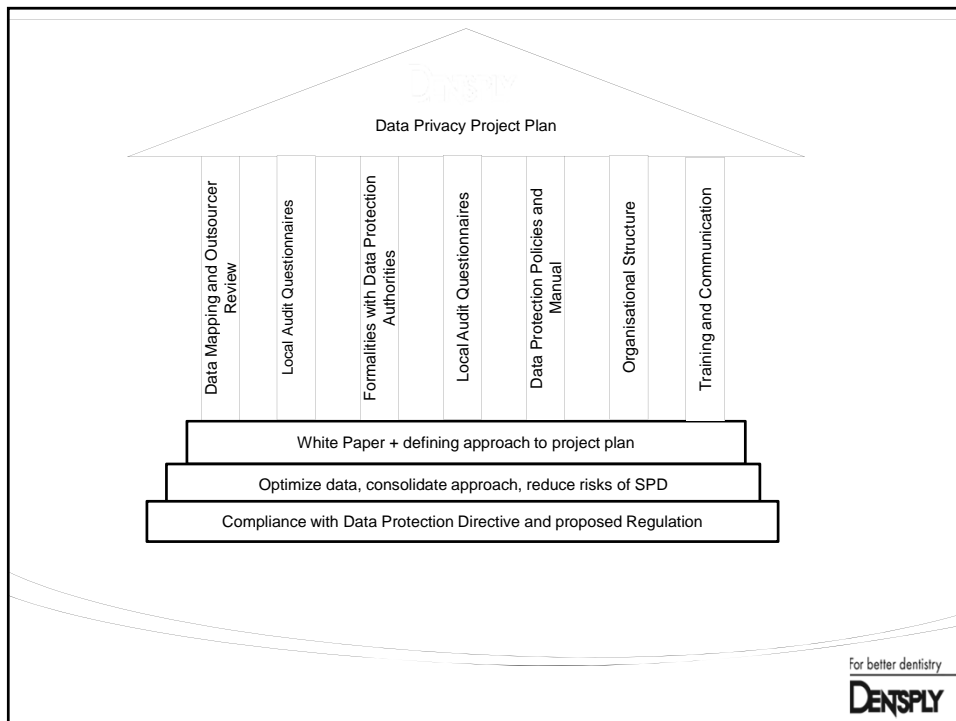
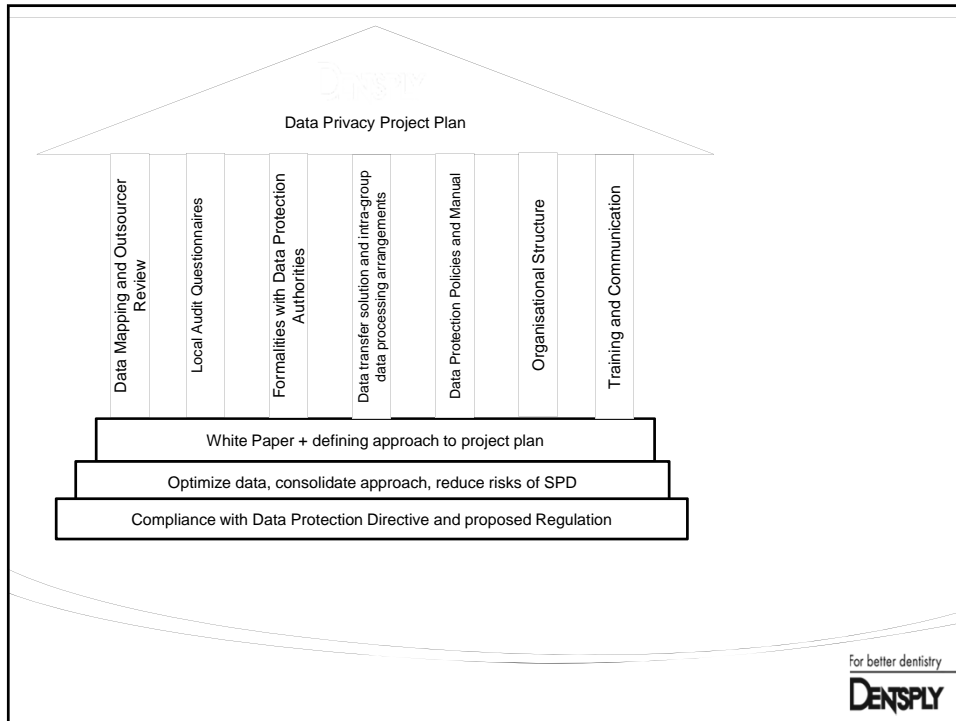












Part 2 – Case Study

- Challenges and benefits



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Part 3 – How to ensure that your data privacy program stands the test of time



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Thank You!

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