

Centre for Information Policy Leadership Working Session

Profiling, Automated Decision-Making and Cross-Border Data Transfers under the GDPR

Square Brussels Meeting Centre, Room 201 A-B
Rue Mont des Arts
1000 Brussels
Brussels, Belgium
7 November 2017 | 10:00-16:00

AGENDA

9:30 **Registration**

10:00 **Welcome & Introduction**

- ❖ Bojana Bellamy, President, Centre for Information Policy Leadership

10:10 **Special Opening Remarks**

- ❖ Giovanni Buttarelli, European Data Protection Supervisor

10:25 **Session I: Profiling and Automated Decision Making under the GDPR -- The GDPR provisions and the Guidance by the WP29, Risks and benefits and best practices.**

- *A brief introduction into profiling and automated decision making (ADM) and why they are regulated*
- *What are the potential risks of profiling and ADM the GDPR seeks to address?*
- *What is the difference between profiling and ADM?*
- *The WP29's proposed guidance on profiling and ADM*
- *Initial reactions of industry representatives to the draft guidance of WP29*

Specific issues:

- *Specific GDPR provisions relevant to profiling and automated decision making (ADM)*
- *What are examples of profiling across different industry sectors and why is profiling necessary and beneficial?*
- *Which GDPR requirements and safeguards apply to profiling and ADM?*
- *What kind of "automated decisions" are covered by Article 22?*
- *What are the meanings and examples of "legal effect or similarly significantly effects" and what kind of automated decisions do not meet this standard?*
- *What are gray zone decisions where it is not clear if they are covered?*

- *How do the GDPR ADM rules apply to children's data?*
- *The WP29 interprets Article 22 as a direct prohibition. Could the Article be interpreted as a right to be invoked and what would the implications be for data processing and individuals?*
- *What does "human intervention" (Article 22 (3)) entail?*
- *What other GDPR protections and safeguards apply to ADM (other than Article 22 and regardless of the interpretation of Article 22)?*
- *What is the role of organizational accountability in protecting against potential risks of ADM and what should ADM best practices be?*
- *Where does ADM take place and how does it relate to cross-border transfers?*

Moderator:

- ❖ Bojana Bellamy, President, Centre for Information Policy Leadership

Panelists:

- ❖ Tobias Judin, Legal Adviser, Norwegian Data Protection Authority
- ❖ Guilda Rostama, Legal Counsel, Commission Nationale de l'Informatique et des Libertés (CNIL)
- ❖ Emily Sharpe, Privacy and Public Policy Manager, Facebook
- ❖ Neil Wilson-Perkin, Senior Manager, Data Privacy and Records Management, Lloyds Banking Group
- ❖ Kimon Zorbas, Vice President Government Relations & Privacy, Europe, Nielsen
- ❖ Stephen McCartney, EU Director of Privacy, Pearson Plc
- ❖ Peter Fleischer, Global Privacy Counsel, Google, Inc.
- ❖ Monika Tomczak-Gorlikowska, Senior Legal Counsel, Data Privacy, Shell

11:25 **Break**

11:45 **Session I, Continued**

13:00 **Lunch**

14:00 **Session II: Cross-Border Data Transfer Mechanisms under the GDPR**

This session will discuss the relevance and potential of the various GDPR transfer mechanisms and how they might be implemented and further developed. The session aims to identify the most important topics to include in the announced guidance of the WP29 on transfers.

- *To what extent should adequacy become more important in practice?*
- *How to maximize the usefulness of the BCR?*
- *What are the possible roles of codes of conduct and certifications as accountability and cross-border transfer frameworks?*
- *Is there scope for improving the application of Standard Contractual Clauses?*

- *Why is global interoperability between transfer mechanisms important and what are the existing opportunities to advance such interoperability?*
- *What are the necessary next steps and priorities on each of the above from an industry perspective?*

Moderator:

- ❖ Christopher Docksey, Director-General, European Data Protection Supervisor, *honoris-causa*

Panelists:

- ❖ Bruno Gencarelli, Head of Unit, European Commission
- ❖ Nicola Coogan, Assistant Commissioner, Irish Data Protection Commission
- ❖ Corinna Schulze, Director, EU Government Relations, Global Corporate Affairs, SAP
- ❖ Caroline Louveaux, Assistant General Counsel, Privacy and Data Protection, MasterCard
- ❖ Gary Davis, Global Director of Privacy & Law Enforcement Requests, Apple, Inc.

16:00 **End of Working Session**

19:30 **Joint CIPL and Hunton & Williams Dinner**

Following the Working Session, join Hunton & Williams' Global Privacy and Cybersecurity Team and the Centre for Information Policy Leadership for a dinner during the European IAPP Data Protection Congress.

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