

Centre for Information Policy Leadership Project on GDPR Implementation Workshop II

The Role of the Data Protection Officer (DPO) and Risk and High Risk under the GDPR

Paris, France
Les Salons de la Maison des Arts et Métiers
9 bis Avenue d'Iéna
75016 Paris, France

19 September 2016 | 9:00-18:30

WORKSHOP AGENDA

- 9:00 **Registration**
- 9:45 **Welcome and Introduction**
❖ Bojana Bellamy, President, Centre for Information Policy Leadership
- 10:00 **Special Opening Remarks**
❖ Sophie Nerbonne, Deputy Director Legal Affairs, Commission nationale de l'informatique et des libertés (CNIL)
❖ Irina Vasiliu, Policy Officer, European Commission - DG Justice and Consumers Unit
- 10:20 **National Implementation of the GDPR**
Representatives of Ministries and DPA will discuss the status of GDPR national implementation within their own countries.
- 11:05 **Introduction: Key Issues under the GDPR DPO Provisions**
Introduction of DPO requirements under the GDPR that require further discussion and guidance. This will be followed by focus topic discussions.
❖ Bojana Bellamy, President, Centre for Information Policy Leadership
- 11:15 **DPO Focus Session 1: Appointment, Employment Status and Independence of the DPO**
Participants will discuss the interpretation of the DPO appointment criteria, including the concepts of "large scale" processing and "core activities"; whether there are differences between "mandatory" and "voluntary" DPOs; what it means to report to the "highest level of management"; the interpretation of other GDPR DPO requirements, such as independence and protected status, and how to implement these requirements within multi-national corporate groups; as well as the impact of these requirements on SMEs.
- Discussion Leads:
❖ Cecilia Álvarez, European Data Protection Officer Lead/Spain Legal Director, Pfizer
❖ Lisa-Marie Lange, Head of Department Employee Issues, International Data Transfers, and DP Officers, Data Protection Authority of Hessen

11:55 **Break**

12:05 **DPO Focus Session 2: DPO Expertise, Location, Personhood, Qualifications and Liability**

Participants will discuss the DPO expert knowledge requirement, including whether the DPO must be one person or can be a “team;” the respective benefits of internal and external DPOs; whether the DPO must be a natural person; DPO training and certification standards; whether the DPO must be a lawyer; DPO liability and administrative fines for DPO-related violations; as well as the impact of these requirements on SMEs.

Discussion Leads:

- ❖ Joëlle Jouret, Conseiller Juridique, Rechtskundig Adviseur, Belgian Data Protection Authority
- ❖ Nathalie Laneret, Group Data Protection Officer, Capgemini

12:50 **DPO Focus Session 3: DPO Roles and Duties, Conflicts of Interest and Cooperation with DPAs**

Participants will discuss DPO roles and duties, including informing, advising and monitoring and other roles that might typically be performed by a DPO; conflicts of interest with non-DPO tasks; how a strategic role of the DPO within the company could look like; what the secrecy and confidentiality requirement means and how it fits into the obligation to report to the “highest management level”; how to interpret the requirements on cooperation and consultation with DPAs; and the impact of these requirements on SMEs.

Discussion Leads:

- ❖ Sophie Nerbonne, Deputy Director Legal Affairs, Commission nationale de l’informatique et des libertés (CNIL)
- ❖ Daniel Pradelles, Global Strategic Engagements - Privacy & SER Office, Hewlett Packard Enterprise

13:35 **LUNCH**

15:00 **Introduction: Key Issues under the Risk and “High Risk” Provisions**

Introduction of risk and high risk processing requirements under the GDPR that require further interpretation, guidance and input. This will be followed by focus topic discussions.

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

15:10 **Risk Focus Session 1: Identifying Risks, “High Risk”, Harms and Benefits under the GDPR**

Participants will discuss the relevant risks and potential harms that must be considered to identify and assess risky and “high risk” processing activities and the likelihood and severity of the potential harms to individuals. We will specifically consider whether and how to include societal risks, benefits and reticence risk; the relevant “rights and freedoms to individuals” that must be considered; and the nature and scope of further guidance on the relevant risk elements, including future DPA guidance on “high risk” and “low risk” processing activities. Finally, we will discuss the need to keep risk criteria and assessment processes contextual and adaptable in order to keep the GDPR future-proof.

Discussion Leads:

- ❖ William Malcolm, Director, Privacy Legal, Google
- ❖ Sophie Nerbonne, Deputy Director Legal Affairs, Commission nationale de l'informatique et des libertés (CNIL)

16:10 **Break**

16:25 **Risk Focus Session 2: The Risk Assessment Process, the Role of DPIAs, and other Risk Assessment Issues**

Participants will discuss possible further guidance on frameworks, processes and tools for assessing and quantifying, effectively calibrating controls and mitigations, and weighing and demonstrating the benefits of processing, including within the context of a DPIA; the role of DPIAs in connection with “high risk” processing; specific issues relating to risk assessments, such as dealing with trial and pilot projects; how to operationalise finding the right balance or proportionality between residual risks and benefits; the requirement for DPA consultation for high risk processing; and evidencing a DPIA. We will also consider the role of risk assessment in the context of legitimate interests, purpose limitation and fair processing, Privacy by Design and security breach notification.

Discussion Leads:

- ❖ Gary Davis, Head of Privacy Europe, Apple
- ❖ Steve Wood, Deputy Commissioner, UK Information Commissioner’s Office

17:25 **Risk Focus Session 3: Risk Based Regulation -- Oversight and Enforcement by DPAs**

Participants will discuss what risk-based regulation means in practice for DPAs. DPAs will have numerous tasks and powers under the GDPR, but very limited resources. How will they develop their strategies and priorities? What will be the balance between supporting compliance and enforcement? How will they identify the issues, sectors or organisations of greatest risk?

Discussion Leads:

- ❖ Rafael García Gozalo, Head of the International Department, Agencia Española de Protección de Datos
- ❖ Richard Thomas, Global Strategy Advisor, Centre for Information Policy Leadership

18:25 **Closing Remarks**

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

18:30 **End of Workshop**

19:30 **Centre For Information Policy Leadership Dinner**

Shangri-La Hotel
10 Avenue d'Iéna
75116 Paris, France