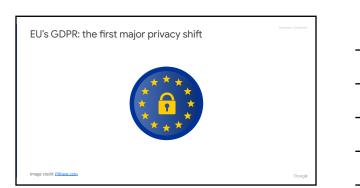
Google	
Data privacy Legislative changes and practical strategies Kristin Kenney, Corporate Counsel at Google May 29, 2019	
I keep saying that the sexiest job in the next 10 years will be statisticians, and I'm not kidding	
Data issues are a really big deal.	







Key responsibilities (GDPR articles 28-36)

- □ have formal contract with processors
 □ implement adequate security;
- not use sub Processors without consent of the Controller;
 cooperate with the relevant Data
 Protection Authorities in the event of an
- report data breaches without delay
- keep records of all processing activities; □ comply with EU cross-border data
- transfer rules; impose contract on processors flow down obligations to processors

- ☐ follow controller's instructions☐ implement adequate security

- Report data breaches without delay assist the Controller in managing the consequences of data breaches
 keep records of all categories of
- processing activities

 flow down obligations to sub-processors
- appoint a Data Protection Officer under certain circumstances
- ☐ help the Controller comply with data subjects rights

The	rest	of	the	world:
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United States federal government:













Legal issues to consider	Legal	issues	to	consider
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Defining data

Definition should cover and protect confidential information and personal information.
 Description should reflect business goals

Scope of use

Define how recipient can use data (eg, sale or license for set purpose)
 Is the discloser identifiable through the recipient's use?

Access Consent

Who is responsible for obtaining consents?

Security terms • What security terms need to be in place?

Data ownership sample language

Vendor acknowledges that Customer is the exclusive owner of all right, title, and interest in and to the Data (including any modifications, Improvements, or derivative works). Vendor may only use the Data to perform its obligations under this Agreement unless Customer provides express written consent with intent to modify this section. Vendor will not use, disclose, sell, assign, loan, lease, dispose of, encumber, or otherwise commercially exploit any Data, nor will Vendor authorize any third party to do so. Upon termination or expiration of this Agreement or Customer's written request, Vendor will promptly return all Data to Customer at no change and in the same format as provided by Customer or as in an alternate format as reasonably requested by Customer.

Personal information sample definition	
Personal information means (i) any information about an identified or identifiable individual; or (ii) information that is not specifically about an identifiable individual but, when combined with other information, may identify an individual. Personal information	
includes names, email addresses, postal addresses, telephone numbers, government identification numbers, inancial account numbers, payment card information, credit report information, biometric information, online identifiers (including IP addresses and cookie identifiers), network and hardware identifiers, and geolocation information. In this	
Agreement, "Personal Information" Includes "personal data" within the meaning of the EU Data Protection Laws.	
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Legal issues to consider	
Termination • Consider the term and treatment of data (and modifications) upon termination	
Reps and What representations and warranties are appropriate? Do you want to rep and warrant to comply with law? If so, are there any loopholes (eg. HIPAA)?	
What is each party responsible to defend and who is in the best position to defend? Liability cap What is the maximum liability? Consider supercaps.	
Google	
Thank You!	