

General Data Protection Regulation

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GDPR is a critical component of our practice in light of the immediate and substantial threat it presents. Given the complexity of the law and the enormity of the potential sanctions for violations, many companies are struggling to comply. There is also understandable concern regarding the impact of newly-introduced class action litigation for GDPR breaches. The state of preparation varies from company to company. While some companies are late to the game with regard to GDPR compliance, others have been preparing for years. Regardless of a company's state of preparation, our team has the industry and technical experience to help any company comply with GDPR.

Regardless of geographic location, GDPR impacts your business if you are an organization that ...

- Processes personal data in the context of activities of an establishment within the EU
- Tracks behavior of individuals within the EU
- Provides goods and services to individuals within the EU

Your Business and GDPR

On May 25, 2018, the EU General Data Protection Regulation (GDPR) became effective and enforceable. The GDPR is a comprehensive law empowering individuals to control the collection and use of their personal data. It is based on the fundamental right to data protection recognized in the EU. This fundamental right is akin to a constitutional right in the U.S. By empowering individuals to control how their data may be used, GDPR presents companies with significant compliance and operational challenges. It replaces existing data protection laws throughout Europe, with possible fines for noncompliance of up to the greater of € 20 million or 4% of an organizations' worldwide annual gross revenue. Organizations that process personal

data in the framework of their activities within the EU; track behavior of individuals, such as employees and consumers within the EU; or target individuals within the EU for the provision of goods or services are subject to the strict GDPR requirements. Additionally, the regulation requires companies to report data breaches to the relevant EU regulator within 72 hours, a requirement that already exists in the U.S. but is new in the EU; create the role of a data protection officer; enforce stricter record keeping for data processing activities, conduct data protection impact assessments for higher risk processing; take into account data protection when designing new technologies, systems, or services; and roll out new compliance policies, procedures, and governance controls requirements.

Our GDPR Service Offerings

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| <p>1 APPLICABILITY</p> <p>Review companies' operations to determine applicability and impact.</p> | <p>4 TRAINING</p> <p>Enhance awareness of GDPR via workshops, seminars, and simulation tabletop exercises for cross-functional team members.</p> | <p>6 ISSUE MANAGEMENT</p> <p>Assist with communications to regulators and consumers; address potential online defamation; and provide on-the-ground support until the issue is resolved.</p> |
| <p>2 GAP ANALYSIS</p> <p>Identify potential gaps and compliance risks via review of current data flows, data protection policies and practices, and existing agreements with third party suppliers.</p> | <p>5 REGULATORY MONITORING</p> <p>Continue to review existing programs in line with operational shifts and regulatory changes.</p> | <p>7 LITIGATION</p> <p>Defend class action law suits—an unfamiliar concept to most EU-based clients.</p> |
| <p>3 BLUEPRINT MAPPING</p> <p>Identify areas of concern, share best practices, design risk-based compliance frameworks, and tailor a GDPR action plan.</p> | | |



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Benefits of GDPR Compliance

- Decreases likelihood of fines, litigation, and loss of consumer trust
- Creates targeted audience of customers for increased revenue and data gathering
- Increases security, reducing chances of incident
- Empowers consumers and strengthens brand
- Enhances data storage, setting stage for advanced technologies like artificial intelligence and machine learning

Privacy & Cybersecurity Group

Our Privacy and Cybersecurity Group offers an integrated approach to our clients combining legal, technical, and regulatory experience. We do not silo or separate the privacy and cyber areas of the practice. Rather we bring a seamless team of technical and legal professionals to the often complex issues confronting our clients. Our experience cuts across multiple industries and involves nearly every practice group in the firm. Where necessary, we can integrate Crowell & Moring’s intellectual property, corporate, insurance, white collar, trade secrets, health care, energy, transportation, and government contracts capabilities to address the privacy and cybersecurity risks faced by our clients. We use our deep knowledge of our clients’ business needs, the industries in which they operate, and government expectations to help them develop enterprise-wide, effective, practical, and legally compliant privacy and cybersecurity policies, procedures, and strategies.

Our experience spans the full spectrum of privacy and cyber issues from counseling to class action defense. On the front end of our integrated approach to risk mitigation, we counsel and train companies on strengthening their cyber defenses, developing and implementing global privacy

and data protection programs, complying with applicable laws, and incorporating government standards and industry best practices into their risk management program. On the back end, we have extensive experience in responding to and managing the crises that can arise when a privacy or data security incident occurs or when a privacy or security vulnerability is made public. We routinely deal with federal and state enforcement agencies and defend clients against class actions arising from incidents involving personal information. In this context, we regularly work with forensics professionals and coordinate with law enforcement.

About Us

Crowell & Moring LLP is an international law firm with more than 500 lawyers representing clients in transactional, regulatory, litigation, and arbitration matters. The firm is internationally recognized for providing innovative approaches to legal and business challenges, as well as crafting creative alternative fee arrangements that demonstrate our personal investment in our clients’ success. The firm has also been recognized for its ongoing commitment to *pro bono* service and diversity. Crowell & Moring has offices in Washington, D.C., New York, Los Angeles, San Francisco, Orange County, London, and Brussels. Visit online at crowell.com.

Our team does not see GDPR compliance as a mere check-the-box exercise or a problem that has a one-size-fits-all, off-the-shelf solution. We understand that compliance needs to be consistent with the risk environment, business needs, and available resources. Enhancing GDPR compliance in a risk-based, business-specific way builds trust, which is a differentiator with true business value.