

Doing Business in a Connected World

THE IMPACT OF CYBERSECURITY, DATA PRIVACY AND SOCIAL MEDIA



Agenda

March 6–7, 2017 – The Four Seasons Hotel – Chicago, Illinois

Monday, March 6, 2017

1:00 pm – 1:30 pm: *Registration*

1:30 pm – 1:45 pm: *Welcome Remarks*

1:45 pm – 2:45 pm **Big Data, Big Solutions: How to Embrace Big Data and Manage Risk**

As technology has developed to permit greater capacity to use and store data, businesses across different sectors are embracing the potential of “big data” and are seeking guidance on how to manage the risks of acquiring, analyzing, sharing, and securing big data sets. This panel will discuss how different industries are using big data to their advantage and how different governmental bodies understand and think about big data.

Speakers:

Kendall C. Burman, Counsel, Mayer Brown LLP

Beth Hill, General Counsel and Chief Compliance Officer, FordDirect

Elise A. Houlik, Associate General Counsel, Fannie Mae

2:45 pm – 3:00 pm **Break**

3:00 pm – 4:30 pm: **Data Privacy Bootcamp: GDPR**

Companies are facing both new compliance obligations and opportunities with the approval of the European General Data Protection Regulation (GDPR), which sets out a complicated and stringent regulatory framework designed to make more consistent data protection law across the EU Member States. The regulation replaces the 1995 Data Protection Directive with a uniform regulation that tightens data restrictions and permits national data protection authorities to impose fines of up to four percent of companies' annual global revenue for each infringement. Starting on May 25, 2018, Data Protection Authorities will be enforcing the GDPR with respect to all companies – regardless of whether they have a physical presence in EU or not – that offer goods or services to or monitor individuals inside the EU. Join us as we discuss what companies can expect – immediately and down the road – with the implementation of the GDPR, and how

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companies can best prepare in order to meet the obligations set forth by the GDPR and avoid the substantially higher fines under this new law.

Speakers: **Kendall C. Burman**, Counsel, Mayer Brown LLP
Rebecca Eisner, Partner, Mayer Brown LLP
Oliver Yaros, Partner, Mayer Brown LLP

4:30 pm – 5:00 pm: **Breakout Sessions**

Breakout Session 1: GDPR and Third Party Agreements

This break out will cover critical issues for key supplier agreements, including a checklist of key topics to consider in amending and updating key supplier agreements. Data transfers and Privacy Shield will also be addressed.

Leaders: **Rebecca Eisner**, Partner, Mayer Brown LLP
Lei Shen, Associate, Mayer Brown LLP

Breakout Session 2: GDPR and E-Discovery and Law Enforcement Requests in the US

This breakout will provide information on the conflict that may arise between EU data protection rules and demands for information in civil discovery and by US law enforcement.

Leaders: **Kendall C. Burman**, Counsel, Mayer Brown LLP
Michael E. Lackey, Partner, Mayer Brown LLP

Breakout Session 3: GDPR and the Financial Services Industry

This breakout will cover issues facing the financial services industry, including breach notification, consumer data access, consent requirements, privacy by design, right to be forgotten and use of big data.

Leaders: **Jeffrey P. Taft**, Partner, Mayer Brown LLP
Oliver Yaros, Partner, Mayer Brown LLP

5:00 pm – 6:00 pm: **Welcome Reception**

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Tuesday, March 7, 2017

7:30 am – 8:15 am: ***Registration and Breakfast***

8:15 am – 8:20 am: ***Welcome Remarks***

8:20 am – 9:20 am: **Assessing Cybersecurity and Data Privacy**

This panel will highlight key considerations for companies as they assess their own cybersecurity and data privacy programs, as well as the posture of acquisition targets, vendors, and other relevant third parties. Topics to be discussed include reasons for assessing cybersecurity and data privacy, such as ensuring regulatory compliance, performing due diligence of acquisitions or vendors, or facilitating oversight by senior management and the board of directors; key elements of such assessments; and important considerations for performing such assessments across various contexts.

Speakers:

Stephen Lilley, Partner, Mayer Brown LLP

Mark Oram, Corporate Counsel - Data Privacy, Caterpillar Inc.

Karen Schweickart, Deputy General Counsel; Chief Technology & IP Counsel, Citadel LLC

Lei Shen, Associate, Mayer Brown LLP

Marland Webb, Assistant General Counsel, GATX Corporation

9:20 am – 10:20 am: **Consumer Engagement Through Social Media**

This session will discuss best practices for building your customer base through social media strategies – and the corresponding legal issues that need to be considered. Learn about how to develop and maintain a social media presence (including what legal review should be conducted); how to address third-party use of your intellectual property on social media platforms; and potential regulatory issues relating to social media presence in certain industries. It will also explore the benefits and potential pitfalls of engaging with consumers through social media via user-generated content and sweepstakes, as well as how FTC and FDA requirements may impact sponsorships, endorsements, and enforcement strategies.

Speakers:

Diana Arredondo Ramirez, Intellectual Property and Privacy Data Senior Counsel, Grupo Televisa

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Terri Doud, Vice President and Senior Legal Counsel, T. Rowe Price
Brian J. Winterfeldt, Partner, Mayer Brown LLP

10:20 am – 10:30 am: *Break*

10:30 am – 11:30 am: **Cybersecurity, Privacy and Social Media in the Digital Workplace**

The digital revolution and the associated heightened concern about confidentiality and privacy interests create a myriad of evolving legal risks that employers must navigate with their workforces. This panel will explore several topics related to those risks, including Bring Your Own Device policies and practices and other concerns arising from the increasingly mobile workplace, privacy considerations in the human resource sphere arising out of multinational operations, the use of wearables in the workplace, social media policies and practices, monitoring of employees' online conduct, and the ever-evolving landscape of background and credit checks in the employment context.

Speakers: **Marcia E. Goodman, Partner, Mayer Brown LLP**
Deborah Hilke, Principal Legal Counsel, Medtronic
Rick Nowak, Associate, Mayer Brown LLP
Lori A. Zahalka, Partner, Mayer Brown LLP

11:30 am – 1:00 pm: **Lunch and Keynote Presentation**

Speakers: **Rajesh De, Partner, Mayer Brown LLP**
Edward Siskel, Corporation Counsel, City of Chicago

1:00 pm – 1:15 pm: *Break*

1:15 pm – 2:00 pm: **The US Supreme Court's Decision in *Spokeo, Inc. v. Robins*: Changing the Game of Class Action Litigation**

The Supreme Court's decision in *Spokeo, Inc. v. Robins*—holding that a plaintiff generally must allege a harm that is “concrete” and “real” rather than merely alleging a statutory violation alone—is having a game-changing effect in a wide variety of class actions, including those alleging privacy and data breach violations. Our panel, which includes one of Spokeo's founders and the company's general counsel, will discuss the genesis of the litigation and how it arrived at the

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Supreme Court, the arguments before the Supreme Court and the Court's decision, and the outlook for privacy and data breach litigation in light of *Spokeo*.

Speakers:

Mike Daly, Co-Founder and CTO, Spokeo
Jason J. Matthes, SVP & General Counsel, Spokeo
John Nadolenco, Partner, Mayer Brown LLP
Archis Parasharami, Partner, Mayer Brown LLP

2:00 pm – 2:45 pm: Cybersecurity and Data Privacy: 2017 Outlook

This panel will highlight several priority issues that companies should consider as they assess, refine and operate their cybersecurity and data privacy programs in 2017. Topics to be discussed include continued growth of cybersecurity and data privacy litigation; ongoing regulatory activity in a wide range of industries; and the impacts of anticipated legislation and policy developments. As the cybersecurity and data privacy landscapes continue to shift around the world, the value for businesses of understanding these issues and responding in a strategic, coordinated and enterprise-wide fashion will be greater than ever in 2017.

Moderator: **David Simon**, Partner, Mayer Brown LLP
Speakers: **Robert J. Kriss**, Partner, Mayer Brown LLP
Howard W. Waltzman, Partner, Mayer Brown LLP
Jeffrey P. Taft, Partner, Mayer Brown LLP

2:45 pm – 3:00 pm: Break

3:00 pm – 4:00 pm: Breaking “Things” and Disclosing Vulnerabilities: Business Lessons from Hackers

As businesses incorporate more connected “things” into their product offerings and operations, they are increasingly confronting the need to respond not only to incidents involving information security but also to those involving device vulnerabilities. To date, such incidents almost exclusively have involved researchers discovering and disclosing vulnerabilities, but the potential harms from the malicious exploitation of vulnerabilities can be catastrophic. This panel will explore key legal, process, and business issues in discovering, disclosing, and remediating connected device vulnerabilities as well as outline ways that companies can prepare to respond to incidents involving connected devices.

Speakers: **Bob Anderson**, Managing Director, Navigant Consulting Inc.

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Marcus Christian, Partner, Mayer Brown LLP

Billy Rios, Founder, WhiteScope LLC

4:00 pm – 5:00 pm: **Ethical Considerations in Cloud Computing and Social Media**

Storing client files in the “cloud” and using social media can create a variety of ethical considerations for attorneys. This panel will review concerns that may arise when hosting client data in the cloud; using social media content to conduct an investigation or to obtain information for use in a lawsuit; “networking” with other attorneys, judges and jurors over social media; and issues associated with whether social media content constitutes attorney advertising.

Speakers:

Charles E. Harris II, Partner, Mayer Brown LLP

Michael E. Lackey, Partner, Mayer Brown LLP

5:00 pm:

Closing Remarks