

Financial institutions
Energy
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 **NORTON ROSE FULBRIGHT**

Global Data Protection, Privacy and Cybersecurity Practice

Capabilities and experience

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Data security and privacy

During a time when data security and privacy risks are rapidly evolving, Norton Rose Fulbright provides clients with a comprehensive strategy to tackle the full range of privacy and data security legal issues.

Global overview

Our dedicated global practice is composed of experienced lawyers from around the world who specialize in the complex issues associated with proprietary data. We concentrate on the legal issues related to privacy, data security, new media, information technology, e-commerce and intellectual property. Our practice is comprised of four “pillars”, including compliance and risk management, transactions, breach response and preparedness, and disputes, including government investigations and litigation.

1

Compliance & Risk Management



Audits

Risk assessments

Remediation

Program development

Best practices

2

Transactions



Outsourcing

M&A

Vendor management & implementation

3

Breach Preparedness & Response



Proactive planning

Response training

Investigation

Mitigation

Remediation

4

Investigations & Disputes



Litigation

Regulatory proceedings

Enforcement

Data security and privacy legal issues impact every industry and companies of all types and sizes. Our experience includes serving a range of clients from large Fortune 500 multinationals, retailers, hotels and restaurants, ubiquitous social media companies and sophisticated technology companies, to healthcare companies, financial institutions, name-brand traditional brick-and-mortar companies, energy companies and start-ups.

In summary, our areas of work include:

- Data security and privacy risk assessment
- Privacy and security by design
- Leveraging personal information for advertising and marketing purposes
- Security and privacy regulatory compliance advice
- Development of security and privacy policies and procedures
- Restrictions on collection and use of consumer information
- Data transfer agreements, software licensing and information technology transactions
- Vendor management program development and implementation
- Security and privacy contract development and negotiation
- Contests, sweepstakes and reward programs
- Incident investigation and response
- Incident response planning
- Cross-border data flow and discovery restrictions
- Management of employee information and patient medical records
- Mobile privacy issues
- Privacy policies for organizations and their websites, mobile applications and communication modes
- Protection of trade secrets, proprietary information and confidential information
- Data security, privacy and technology regulatory response and litigation

Our unique experience and perspective helps serve our clients at each point in the information lifecycle. On the front end, we help our clients assess and reduce their privacy and security risks and comply with applicable laws. When developing marketing programs or new products and services, we empower clients by advising on privacy and security at the outset to maximize the effectiveness of their offerings and avoid legal and regulatory pitfalls. If a security incident arises, we lead the investigation, response and remediation of the breach, including managing breach notification to affected individuals and regulators. Finally, we assist our clients in their response to regulator investigations, class action lawsuits and other claims that arise out of privacy violations and security breaches.

Global capacity

Drawing upon our global experience, we advise clients on information management and incident response across multiple jurisdictions, including Europe, the United States, Canada, Latin America, Asia, Australia, Africa, the Middle East and Central Asia. As an integrated cross border group, our clients receive seamless worldwide service.



Overall, Norton Rose Fulbright endeavors to understand our clients' business needs and goals, and provide tailored, specific and practical legal advice to support those needs and goals. Below, we provide examples of matters and projects on which we have worked across the globe as well as information on our global privacy team. Thank you for considering our firm – we are happy to provide any additional information you may need to better understand our practice and how we might best serve your company.

Region: **United States**

In the US, we advise multinational clients in all industries on the complex issues associated with personal and sensitive business data, including its collection, use, storage, disclosure, transfer and destruction. We counsel clients on the cybersecurity of critical infrastructure and have worked on several high profile data breaches.



Compliance and risk management

- Advised various multinational pharmaceutical manufacturers on health privacy laws and data protection issues surrounding the use, disclosure and receipt of patient information, including patient authorization, email and collection issues, contractual requirements for various programs and services and the development of internal data protection policies and procedures
- Drafted privacy policies, notices and terms of use for major traditional media company with respect to rewards program leveraging personal information from multiple sources, including websites, mobile applications, point-of-sale systems, subscriber information and data broker sources
- Created comprehensive incident response program for a major energy company to address data security and privacy incidents affecting critical infrastructure, system availability and personal information breaches.
- Provided TCPA, MMA, CTIA, and state telemarketing law compliance advice in connection with mobile marketing for recurring mobile marketing campaigns and periodic informational messages
- Conducted privacy review of existing apps and apps in development for multinational financial services company and interactive media company developing apps for children, recommend revisions such as obtaining consumer consent, placement of privacy policy, limits on data collection, and minimizing the requested number of app permissions
- Advised a major university on privacy issues respecting de-identification of student data and use of personal information in a “big data” context for a student wellness program

Transactions

- Developed a privacy and information security module for a major financial institution’s vendor management programs based on legal requirements, self-regulatory requirements and best practices applicable to the organization, and assisted in the implementation of the programs
- Structured, negotiated and implemented enterprise-level technology transactions for multinational companies across multiple industries, including business process and information technology

outsourcing and service agreements, software licenses, support and maintenance agreements, big data transactions and cloud computing

- Negotiated data security and privacy terms for clients entering into contracts with vendors that will have access to sensitive client information or connectivity to the client's information systems
- Performed a data security and privacy due diligence analysis with respect to a major pharmaceutical company's merger and acquisition of another life sciences company

Breach preparedness and response

- Advised and assisted a U.S. multinational e-commerce company in its response to an international data security incident affecting individuals from more than 120 jurisdictions. The firm coordinated its global incident response teams in North and South America, Europe, South Africa, the Middle East, Asia, and Australia, and notified affected individuals in multiple languages on a 24/7 basis around the globe
- Advised multiple hospitals, healthcare providers and health service providers in their response to a ransomware attack, including assisting with the HIPAA risk assessment of the incident and communications with various patients and business partners.
- Assisted in the response efforts to a multi-state, multi-jurisdictional (federal, state breach notice laws and state insurance regulators) healthcare breach, which involved millions of records and heavy regulatory scrutiny; assisted with the complex notification and regulatory response
- Represented multiple credit unions and banks with notification requirements concerning hacking events, lost laptops and inadvertently disclosed personal information, including compliance with Interagency Guidance established by financial regulators
- Assisted multiple hotel property owners and management companies with their investigation, response, and notification of payment card breaches related to onsite point-of-sale systems and property management systems.
- Helped a large third party administrator investigate file sharing activity occurring from a one terabyte hard drive (containing up to the equivalent of 17 million documents) connected to its network; directed an extensive technical investigation that helped the client establish that the incident involved the sharing of movies and music, not the theft of personal information

Investigations and disputes

- Successfully dismissed a Federal class action litigation arising out of a data breach involving the theft of employee tax information and the alleged filing of fraudulent tax returns
- Represented a multinational food services company in a lawsuit against its point-of-sale system provider related to a data breach involving millions of dollars of losses and potential liability; the firm was able to obtain a favorable settlement for the client during alternative dispute resolution
- Responded to multiple regulatory inquiries and actions by State Attorneys General, including responses to inquiries concerning adequacy of breach notification, investigations concerning existence of reasonable or legally-compliant security and negotiations over fines and penalties imposed by regulators

- Represented multiple clients with respect to FTC privacy and data breach investigations, including successfully closing matters without fines, penalties or consent decrees
- Involved in more than six class actions alleging privacy violations of the Song-Beverly Credit Card Act for collecting personal information in credit card transactions; represent national retailers against Plaintiffs' claims that their zip codes were improperly collected during retail transactions
- Retained to represent multiple clients to bring business-to-business claims and actions against third party vendors that caused a data breach that resulted in loss to clients, including website developers, software companies and point-of-sale vendors

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Region: Europe

In Europe, we are experienced in providing a broad range of data breach response services. We also advise clients on Cyber policies and procedures and Cyber risk mitigation plans.

Europe	
Amsterdam	Moscow
Athens	Munich
Brussels	Paris
Frankfurt	Piraeus
Hamburg	Rome
London	Warsaw
Milan	



Compliance and risk management

- Advised a major multinational on its GDPR compliance strategy through a gap analysis and series of brainstorming workshops to define and prioritise implementation steps
- Advised Sealed Air on the use of data obtained from work tools such as industrial vacuum cleaners and the related infrastructure agreement underlying the collection of and access to that data
- Advised one of the world's largest pharmaceutical companies on the use of e-signatures across various European jurisdictions
- Advised Mubadala, an Abu Dhabi sovereign wealth fund, on the data privacy and financial services cloud rules applicable to its use of Oracle Taleo from the UK, France, Germany, UAE and USA
- Advised a global business process service provider (operating in both private and public sectors) on the data privacy and data security implications of moving its email and document management system to Google Apps for Work
- Advised Telstra's cloud services division on data protection and data security compliance and suitability of end user terms and privacy documentation in the UK as well as in, Asia (Australia, China, Hong Kong, India, Japan, Malaysia, Philippines, Thailand, Singapore and South Korea) and in the US. He also advised on UK data sovereignty issues

Transactions

- Advised HSBC on the banking secrecy, data privacy and financial services regulatory issues on its consideration of where to locate its headquarters. This involved a consideration of laws in these areas both from a number of potential headquarter hub jurisdictions but also from the perspective of data flows from spoke jurisdictions in relation to a range of different hub options
- Advised Guy Carpenter, a global insurance broker, on the regulatory and data privacy aspects of its move into Amazon's EC2 product, including negotiating acceptable privacy & regulatory terms with AWS
- Advised the Department of Health on the potential impact of the new EU General Data Protection Regulation on outsourcing arrangements

- Advised Dimension Data, a global cloud service provider, on data protection and security negotiations with one of its global resellers
- Advised a major multinational on the 2nd generation outsourcing of its IT projects, service desk and datacentre services from a range of existing service providers to a single offshore service provider. The deal involved negotiating on behalf of another group entity in another jurisdiction contracting for similar services (but under a separate agreement) to drive economies of scale through aligned service delivery. It also included advising on the exit arrangements from its existing service providers
- Advised LV on the data sharing arrangements with SSP in a large scale outsourcing of various insurance-related services

Breach preparedness and response

- Acted as the European (plus extensions) breach coaches for a major international insurance carrier's data breach and security insurance product, producing rapid response breach advice in 28 European jurisdictions, and extending beyond for example to Russia, Israel, the Middle East and South Africa
- Coordinated AIG's CyberEdge data breach insurance product across Europe, India, South Africa and certain Middle Eastern jurisdictions and responding to data breach responses under those policies
- Assisted a global travel company in managing a number of complex and serious data breach and external hacking incidents, in multiple jurisdictions. This included project managing the overall client data breach response, engaging and working with expert IT forensic providers to help establish root cause and weaknesses, ongoing incident management with client's senior management team and assisting client deal with contractual issue with impacted and/or implicated third parties
- Advised a telecoms client on a targeted denial-of-service attack relating to the client's website, involving a ransom demand
- Advised an e-commerce retail client in relation to a denial of service attack relating to the website, involving a ransom demand on the eve of Black Monday
- Advised a financial institution that had been compromised by the crypto-locker virus

Investigations and disputes

- Advised major multinationals on responses to sensitive subject access requests, particularly in the context of on-going sensitive litigation and whistleblowing claims
- Advised a telecoms operator on a dispute and subsequent renegotiation of its £1.5bn outsourced network operation and management agreement
- Conducted a data privacy audit of the business of Deliveroo, an online food ordering service.
- Advised an Asian airline on a data breach, including drafting the communication with the data protection authority

- Advised major global companies on collection and use of email data in connection with e-Discovery requests
- Advised a leading European camera manufacturer during a regulatory proceeding with the data protection authority regarding CCTV and other camera use

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Region: **Canada**

The Canadian Privacy, Cyber and Access Team draw on a wealth of experience that covers every facet of privacy, cyber and access. Whether responding to a breach, proactively advising on compliance issues, work-place management rules or managing personal information in the context of M&A transactions, they are able to draw on the firm's privacy expertise in each of the practice groups to respond efficiently and rapidly to your needs.



Compliance and risk management

- Represented World Anti-Doping Agency in respect of privacy issues surrounding athletes' whereabouts, testing results and therapeutic exemptions
- Counseled stakeholders in the health industry respecting use of big data for commercial and research purposes
- Advised major sports leagues on privacy issues relating to web marketing for their fans
- Advised multi-nationals on implementation of model clauses allowing for global management of human resources across corporate entities and borders
- Counseled intermediate service providers on issues arising from targeted behavioural advertising
- Advised international manufacturer and lender on privacy issues surrounding BYOD
- Assisted in the creation of a shared data centre for the processing of electronic health record information, on behalf of numerous Alberta Regional Health Authorities

Transactions

- Negotiated and documented the purchase and deployment of a major electricity utility's smart metering technology, with a transaction value of approximately \$90 million
- Assisted in the business process outsourcing of the human resource management function of a major publicly funded educational institution, on behalf of the purchaser, with a transaction value of approximately \$75 million, thought to be the first outsourcing transaction of its kind in Canada
- Assisted a major retail mall owner in connection with a retail analytics project and related privacy matters with respect the collection, processing, analysis and use of mobile / smart device data collected from retail consumer shoppers in the client's Canadian retail mall properties
- Assisted a leading Canadian technology service provider in relation to the negotiation of the development, implementation and operation, as an application service, of the entire wealth management business operations a major Canadian financial institution, and inclusive of related privacy and security matters

- Assisted a leading Canadian financial institution in connection with numerous IT, procurement, ASP and cloud and other services arrangements, including:
 - a SaaS solution with ServiceNow, a leading provider of cloud-based services for enterprise
 - a custom technology development, hosting and services agreement with a U.S. software vendor concerning a customer business rewards solution in support of the financial institution's retail branch network outside of Canada
- Assisted the Global Wealth Management division of a Canadian based international bank on a complex back office investment and mutual fund accounting, performance measurement and risk management software system integration and long term license and support arrangement with a publicly traded global provider of software investment management solutions
- Assisted a search-based "*big data*" application solutions provider in connection with the deployment of a big data analytics platform to an international insurer in support of insurance underwriting
- Assisted a social networking site on e-commerce, on-line contracting, consumer protection and privacy matters, in connection with its initial establishment of operations

Breach preparedness and response

- Advise cross-border health dental care provider on data breach
- Advised large Canadian company on notification requirements following infiltration of one of the functions of its HR data base which included sensitive financial information
- Advised an international precious metals mining company in connection with its data breach response plan
- Advised major Canadian bank of breach requirements in over 25 different countries
- Drafted for numerous clients contractual measures permitting processing and export of data to the United States
- Helped coordinate the response to global privacy breach involving the loss of approximately 2300 Canadian employee files arising from the theft of a company laptop in Malaysia. Involved handling the mandatory reporting obligation with the Office of the Information and Privacy Commissioner (Alberta).
- Coordinated the response to an unauthorized disclosure of personal employee information for a member owned retail co-operative with over 440,000 members, 3400 employees, assets of \$441 million and annual sales over \$1 billion.

Investigations and disputes

- Defended a major Canadian bank in damage claims for breach of privacy or failure to provide access to internal communications in context of de-marketing of clients
- Defended disputes arising from access requests before Federal Court of Canada, after adjudication by Office of Privacy Commissioner of Canada in both banking and pharmaceutical industries

- Assisted numerous international clients on privacy issues arising from ediscovery and internal investigations for contravention of applicable law or company policy that transcend borders and corporate entities within the same corporate group
- Applied to intervene at the Supreme Court of Canada in a case pertaining to privacy and union access to personal information

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Region: **Australia**



The Australian team specializes in commercial cybersecurity issues, privacy law, IT and data protection, cyber insurance and litigation.

Compliance and risk management

- Advised a large global financial institution on security issues and privacy issues associated with the deployment of mobile banking, the re-development of its entire website, e-security policies and procedures and a wide range of outsourcing agreements that support its e-commerce strategies
- Advised the Victorian Department of Premier and Cabinet and Office of the Chief Information Officer on a whole of Victorian Government review of its identity management security and cyber security programme, including reviewing and negotiating suppliers' proposed contractual and specifications documents.
- Made representations to the Australian Privacy Commissioner on behalf of a major client for changes to the Privacy Commissioner's published privacy guidelines. We were successful in having the guidelines changed.
- Advised the Receivers of Dick Smith on privacy compliance issues arising from the sale of its customer database, including liaising with the Australian and New Zealand Privacy Commissioners.
- Advised over 100 clients on compliance with the substantial amendments to the Australian *Privacy Act 1988*, including auditing information and security systems and implementing recommendations to ensure regulatory compliance.
- Advised a number of local and London-based insurers in relation to their cyber insurance offerings, including assisting them with gaining an understanding of the Australian market. Conducting a comprehensive review of Australian cyber policies and advising various insurers on cyber policy wording and relative exposures.

Transactions

- Advised a NSW State Government department in relation to the outsourcing of a smart card system. We became involved at concept stage and assisted in the technical and legal construct for the solution. We drafted and negotiated Trial Agreements for certain specified geographies. After the trials, we were involved in the preparation of an outsourcing contract, the development of an Expression Of Interest (EOI) and finally a Request For Tender (RFT).
- Acted for a large Australian retail organization in relation to the construction and operation of various data centers across Australia. We were involved in all aspects of the project documentation and delivery in respect of the design, construction and operation of the data centres, including drafting the consultancy agreements, early works contracts, supply and install contracts and construction contracts, drafting the conditions of tendering and managing the RFT process, as well as contract negotiations.

- Advised ANZ Banking Group, on the development and outsourcing of a whole-of-business IT platform and its implementation across Asia, including addressing complex regulatory compliance, privacy, security and tax issues in over 15 Asia Pacific jurisdictions.
- Assisted Verizon in Australia with the development of a Gatekeeper compliant PKI system.
- Advised a large global food franchisor on its vendor engagement contractual framework to allow the client to achieve maximum contractual protection when vendors. This included preparing a vendor data security schedule to be included in all vendor engagements, and preparing a vendor negotiation guide.

Breach preparedness and response

- Advised an Australian organisation on privacy and liability issues and recovery options following a data leak of over 550,000 of its client's personal information. The incident was highly publicised being dubbed Australia's 'largest' incident, and was significant in highlighting third party vendor cyber security risk.
- Advised a US-based e-retail company on its disclosure obligations after its Australian customer database was compromised, and managing the notification of the incident to the company's Australian and New Zealand customers, regulators and law enforcement bodies, as well as negotiating credit monitoring and ID protection services for impacted customers.
- Provided data breach incident response services to an accounting firm following a crypto-locker attack and resulting ransom demand. The attack came during a busy reporting period shortly before a number of important statutory deadlines. We coordinated the incident response including engaging IT security / forensic vendors to contain and remediate the attack and provide forensic analysis of the incident, advising the client and insurers on the potential data breach, business interruption, third party claim and recovery implications of the event.
- Provided data breach incident response services to a not for profit government contractor following a ransomware attack. We advised the client and insurers on the potential data breach, business interruption, third party claim and recovery implications of the event.
- Advised an international e-book seller on handling a significant data privacy breach that affected its customers in Asia Pacific, North America and Europe, including liaising with our international colleagues to coordinate global advice.
- Advised warranty and indemnity insurers on privacy liability issues following a large Australian telecommunications company's acquisition of an organisation that had previously suffered but failed to disclose a data breach. The incident was highly publicised, highlighting the need to consider cyber risk in M&A transactions.

Investigations and disputes

- Assisted a large food franchisor in respect of the legal issues arising from ransomware that had encrypted the documents on its systems.
- Advised insurers on indemnity issues in respect of first party loss claims arising from foreign exchange trading scams and on coverage issues in relation to various fraud claims arising from the 'business email compromise' scam.

- Advised a travel agency group following inadvertent e-mail disclosure of a spreadsheet containing names, addresses and contact details, including responding to the Australian Privacy Commissioner in relation to a complaint made and preparing an apology letter to affected recipients.
- Advised a leading educational institution on a data breach regarding inappropriate retention of student personal information and credit card details.
- Prior to relevant partner joining Norton Rose Fulbright, acted for Nominet UK Ltd in a matter which concerned infringement of copyright in the co.uk database which had been the victim of data mining and which resulted in one of the highest copyright damages awards in Australia.

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Region: **Asia**

In Asia, we provide legal services on the full range of cybersecurity and privacy matters. Our work includes advising on data privacy, cross-border data transfer and document retention requirements. We work with our clients on a regional and global basis to provide multi-jurisdictional reviews and to help our clients understand compliance with the myriad of local laws. Our team members also have significant experience with data breach incidents, including vendor management issues, breach notifications, regulatory investigations and incident response management.



Compliance and risk management

- Advised on the China aspects of a Bring-Your-Own-Device (BYOD) scheme for an International bank. Our work included providing comprehensive China regulatory advice on a wide range of issues in connection with the BYOD scheme, including anti-money laundering, employee benefits, banking secrecy, protection of employee and consumer data, state secrets, outsourcing, and cross-border data transfer
- Advised a major property development and hotel facilities provider on privacy and operational security issues for its properties in Hong Kong and China
- Advised a US-based network performance management products and solutions company localise its data programme for the Chinese market. We provided comprehensive advice on a wide range of data protection, cyber security and cross-border data transfer
- Advised a global service provider on the impact of data privacy legislation on the transfer of employee information (including tax and salary details) held in Asia to a central repository in the US - advice provided was multi-jurisdictional and countries reviewed include Australia, Hong Kong, India, Indonesia, Japan, Korea, Malaysia, Philippines, China, Singapore, Taiwan, Thailand and Vietnam
- Advised a footwear manufacturer on a data breach incident in relation to jurisdictions of Brunei, Laos, Macau, Myanmar, Vietnam, Hong Kong, Indonesia, Japan, Philippines, South Korea, Taiwan, Malaysia, Cambodia, Nepal, Papua New Guinea and Sri Lanka, including breach notification requirements
- Advised a US-based online payment company on China regulatory matters in connection with its cross-border call center business, by analyzing the legal risks and exploring the business model

Transactions

- Advised a global telecommunications company in relation to its acquisition of a state-owned telecommunication services company in China to perform cloud computing and data center services

- Advised an international bank in China on its cloud-based outsourcing project, to outsource a certain banking business to an entity based in Europe. We analysed regulatory risks in connection with banking outsourcing and also advised on data protection and cross-border data transfer
- Advised Citibank on security issues and privacy issues associated with the deployment of mobile banking via WAP-enabled phones and Personal Digital Assistants; the re-development of its entire website; e-security policies and procedures and a wide range of outsourcing agreements that support its e-commerce strategies
- Advised a leading financial information services provider on data protection, banking secrecy, outsourcing and other legal issues arising from its provision of FATCA services to global financial institutions in Australia, Bermuda, Canada, China, Israel, Japan and Switzerland
- Advised a global financial institution on its collaboration with a credit card company on the provision of mobile payment platform services to its customers, including data privacy, banking secrecy and outsourcing issues relating to the mobile payment platform services
- Advised a leading financial information services provider on the Australian, Hong Kong and Singapore data privacy law compliance of its integrated process for client on-boarding and know-your-client (KYC) processing for the financial industry involving exchanging data (including personal data) amongst various entities across different jurisdictions

Breach preparedness and response

- Advised a footwear manufacturer on a data breach incident in relation to jurisdictions of Brunei, Laos, Macau, Myanmar, Vietnam, Hong Kong, Indonesia, Japan, Philippines, South Korea, Taiwan, Malaysia, Cambodia, Nepal, Papua New Guinea and Sri Lanka, including breach notification requirements
- Assisted clients in Asia across a number of industries, including insurance, retail and fashion, hotel and education, with the preparation and implementation of organizational breach response policies and frameworks

Investigations and disputes

- Advised a major international insurance company on data privacy issues relevant to its launch of new data breach insurance products in Asia

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Region:

Middle East



In the Middle East, we have market-leading experience handling matters in all four pillars of the cybersecurity and data privacy practice. Clients include multinational pharmaceutical companies, financial institutions and other corporates; government departments, sovereign wealth funds and state-owned entities; and national and sectoral regulators.

Compliance and risk management

- Advised Etihad Airways on the development of a global data privacy compliance programme, including a legal audit of its processing activities, development of policies and implementation of staff training on privacy issues
- Advised the UAE Telecommunications Regulatory Authority on a data sharing initiative between federal government entities and the creation of a new open data platform to encourage innovation and entrepreneurship in the UAE, including the development of enabling legislation and advice on all areas of legal risk
- Drafted a new electronic records and transactions law for Dubai International Financial Centre
- Updated the internal data handling and security policies of a regional telecoms operator in the Middle East to provide guidance on the use of aggregated and anonymized data
- Advised Medidata, a company that provides various services to pharmaceutical companies operating clinical trials, on the terms of its privacy notice for a mobile app for use in the Middle East
- Advised Pfizer on the localization of its mobile app privacy guidelines for use in the Middle East

Transactions

- Advised a leading worldwide manufacturer of electrical and electronic products on local restrictions in the UAE relating to the transfer of personal data for the purposes of IT security management
- Advised industrial manufacturing company Future Pipe Industries in respect of data transfer and cloud hosting in the UAE
- Advised an Abu Dhabi government entity on international data privacy regulations in the context of deploying a cloud-based HR system
- Advised GoNabit, a daily deals website business operating in various Middle East jurisdictions, on the local technology, privacy and data law aspects of its acquisition by US online social commerce business LivingSocial

- Advised a Middle East telecoms operator on the data privacy law implications of centralizing its data center facilities
- Analyzed and benchmarking international privacy and intellectual property regimes as part of an assessment for a UAE government client in the context of developing a new technology-focused economic free zone in Dubai

Breach preparedness and response

- Supported a Middle East telecoms operator on its response to a data breach incident, including advice on strategy, legal and regulatory obligations
- Advised Etihad Airways on the implementation of staff training on privacy issues as part of our work to develop the organization's comprehensive global data privacy compliance program
- Advised the Data Protection Commissioner's Office in the Dubai International Financial Centre on the development of guidance for data controllers
- Advised various financial institutions on aspects of the data protection regime of the DIFC, including notifications, data export and data breach management

Investigations and disputes

- Advised a US multinational fashion retailer on UAE law implications of a data breach involving nationals of 20+ jurisdictions
- Advised a US oilfield technologies company on legal risks relating to the use of virtual private network (VPN) technology in the UAE and Saudi Arabia
- Advised a Middle East data protection regulator on the conduct of several investigations into data breach incidents

Team



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Region: South Africa

In South Africa, we have leading insurance and privacy practices. We act for all major insurers active in South Africa and have produced a definitive guide to the practical implementation of South Africa's data privacy legislation.



Compliance and risk management

- Developed "POPI Counsel", a virtual lawyer product which enables clients to become compliant with the provisions of POPI and which uses artificial intelligence to generate bespoke legal opinions for clients relating to their specific enquiries
- Advised a client on the privacy implications of implementing an inventory verification system with its dealers in 15 African jurisdictions
- Assisted different banks with various aspects of their POPI compliance programmes. We are one of the two firms on a big banking group's panel of preferred counsel to their various businesses, subsidiaries and affiliates in relation to the implementation and ongoing compliance with POPI.
- Advised the South African National Treasury on legislation and policy regarding the interface between technology, telecommunications and the banking sector with regard to fraud detection and prevention and new financial inclusion technologies
- Advised a client on the interception, monitoring and security regulatory framework with reference to the privacy of customers' communications in South Africa and its obligations in this regard to the South African government
- Advised a major South African insurance company on its privacy insurance policy product including preparation of all agreements with service providers integral to the sale and operation of the product

Transactions

- Drafted privacy policy and terms of use for the South African launch of a global online social media advertising platform
- Drafted data protection clauses for inclusion in service provider agreements
- Established an international data privacy solution for an international client's entities across Africa

Breach preparedness and response

- Assisted a large insurance company which suffered the largest data breach in South Africa to date involved determining future risk avoidance strategies
- Conducted cyber-breach simulations with major corporate entities to prepare them for potential future breach and how to respond, as well as the role we will play in such response

Investigations and disputes

- Gave legal assistance to a large insurance company client which was victim to the largest data loss to data in South Africa, involving the leak of over a million UK and South African policyholders' private information
- Assisted a government client with the investigation of a cybercrime incident and assisted law enforcement authorities with the prosecution of the perpetrator

Team



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Recognized for our industry focus, we are strong across all the key industry sectors: financial institutions; energy; infrastructure, mining and commodities; transport; technology and innovation; and life sciences and healthcare.

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