

The background of the middle section is a photograph of a construction site, showing a dense network of blue and red metal scaffolding. The image is slightly blurred and has a blue color cast.

# Privacy & Data Protection



LEGAL  
INSIGHT.  
BUSINESS  
INSTINCT.

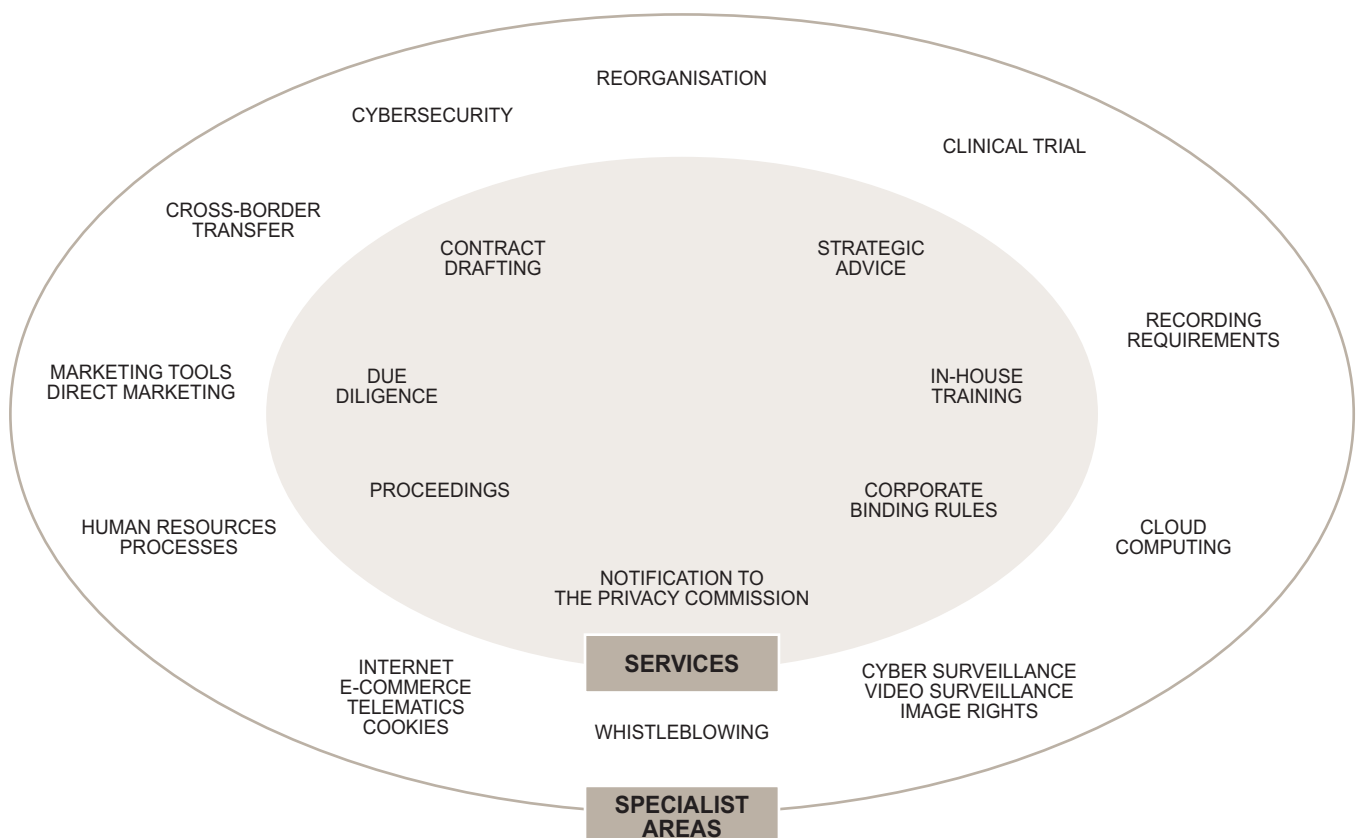


## A COMPREHENSIVE, HIGHLY EFFICIENT APPROACH

Privacy and data protection issues are critical elements of risk management for every company. Lydian's Privacy and Data Protection team will help you manage that risk.

Lydian lawyers represent clients, large and small, from all business sectors, including technology, retail, telecommunications, health care and life sciences, media, energy, insurance, banks and other financial institutions, as well as printing and publishing industries.

The combination of our deep industry knowledge with multi-disciplinary expertise in data protection, intellectual property, information technology and employment law enables us to offer you a full range of services and support.



# THE FULL SCOPE OF LYDIAN'S PRIVACY & DATA PROTECTION SERVICES

We have in-depth expertise in the following matters:

- Privacy & data protection compliance
- (Cross-border) transfer
- Marketing and e-commerce
- Records management
- Privacy at work
- E-Discovery
- Cybersecurity

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## PRIVACY & DATA PROTECTION COMPLIANCE

We provide assistance to our clients from legal advice to integrated consulting on corporate privacy risk management, as well as legislative strategic policy advice and legal compliance.

We advise clients on the compliance challenges posed by EU legislation.

We develop or review tailored compliance tools and procedures such as privacy impact assessments, checklists, notice and consent forms, data transfers and processing agreements, complaint handling, and employee training materials for clients.

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## (CROSS-BORDER) TRANSFER

Transfer of personal data is viewed by many privacy professionals and regulators as a risky activity and it is therefore subject to rigorous privacy and data protection requirements.

Companies involved in exchange of personal data across borders must often implement strict protection measures. We help our clients to proceed to a smooth transfer of data and assist them in all steps of this process.

Personal data processing operations through cloud computing services can involve risks such as lack of control over the data and insufficient information regarding the processing itself. We also help our clients in securing their rights while using cloud computing services.

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## MARKETING AND E-COMMERCE

We continually monitor and advise our clients on (emerging) regulation of marketing activities across all media. We have extensive experience with respect to the collection, use and disclosure of data through various marketing tools. We also advise clients on the use of cookies.

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### RECORDS MANAGEMENT

All organisations, private or public, need to plan and to formulate policies and procedures which will enable them to remain competitive and provide good service to their customers. We advise our clients on company-wide records and information management issues and prepare related policies, procedures, guidelines or corporate binding rules. We prepare or review electronic communications policies and computer use policies for clients from various industries.

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### PRIVACY AT WORK

We have extensive experience in all privacy issues related to employment and HR.

We advise our clients in particular on:

- recruitment and selection (background screening),
- processing HR management data (databases, software); and
- assessing possible privacy risks in inappropriate behaviour investigations of employees.

Also, we assist our clients in developing and implementing global data protection agreements as well as specific privacy policies on cyber surveillance (including social media), use of cameras and other tracking systems, whistleblowing, etc.

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### E-DISCOVERY

Lydian can prepare you for e-Discovery. We advise our clients on how to organise data before a dispute, in order to mitigate the risks linked to an excessive or uncontrolled volume of data, and to keep control of their important information.

We help our clients to design a clear process in order to proactively address litigation imperatives, from data production, through production until destruction (establishment of guidelines, clear and advance notice, information of data subjects about their data protection rights, ...).

We assist our clients in specifying security and confidentiality procedures. We also assist them in their contacts with third-party service providers and authorities.

We ensure data transfers are permitted under EU legislation and local law requirements.

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### CYBERSECURITY

Growing technology and complex digitalization increase risks of cyber attacks and loss of data for companies.

We advise companies on the pro-active steps that can be taken to protect their business against such attacks. We have experience in legal risks assessment, drafting contractual clauses, efficient insurance coverage and the correct management of personal data.

In cases where our clients are victims of a hacking or a cyber attack, we support them in rapidly responding to this attack, we monitor investigations closely and take all necessary enforcement actions. Our working relationship with regulators, investigators and other providers of preventive and responsive services are a key ingredient to the service we provide.

## A TEAM WITH EXPERIENCE

We have a team with the experience to foresee problems and respond to them in an appropriate way.

To offer our clients the best possible solutions and advice, the Lydian Privacy & Data Protection team is your ideal partner. Together with you, in an open and proactive atmosphere, we will work to find the solutions and opportunities you are looking for.

All the lawyers on our team are experts in their field and have excellent contacts with the relevant authorities at European and local level.

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### OUR EXPERTS

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#### **ANNICK MOTTET HAUGAARD**

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Annick is a highly reputed Belgian expert in intellectual property law. The Legal 500 EMEA and Chambers Europe all recommend her in this area.

Annick graduated with a degree in law in 1987 from the University of Liège, and a year later obtained a postgraduate diploma in Advanced European Studies at the College of Europe in Bruges. She subsequently worked for two years as a trainee lawyer and an assistant in criminal procedure with Professor Franchimont at the University of Liège. In 1990, she joined the law firm Stibbe, where she became partner on 1 January 2000. She joined Lydian in 2006 where she is a Partner and head of the IP team.

Her practice encompasses the full range of areas linked to the launching and marketing of products and services, including privacy issues related notably to personal data protection, distribution, franchising, advertising, product regulations, consumer protection and intellectual property (trademark, copyright, design and patent). She acts for numerous prestigious international companies and has solid experience in litigation and negotiations, including with authorities.

Since January 2010, Annick is a member of the Belgian Council for Intellectual Property.



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She is also a member of the International Association of Privacy Professionals (IAPP).

She is a frequent speaker at international conferences.

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### ISABEL PLETS

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Isabel graduated with a law degree from the University of Gent (UGent) in 1996.

She worked fulltime as labour law research assistant in the social law department at the University of Gent. Isabel joined Lydian on 1 January 2001. At the same time, she remained a practical research lecturer at Gent University.

Isabel is specialised in labour law, with a broad experience in soft labour law aspects, including privacy at work.

Isabel is a frequent speaker at seminars and a regular publisher of social law related topics.

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### OLIVIA SANTANTONIO

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Olivia Santantonio is a member of Lydian's IP/IT practice as well as of its Data Protection practice.

Olivia has strong experience in all fields of intellectual property law and data protection.

Olivia mainly assists her clients in brand protection (procurement as well as litigation aspects). She also drafts and reviews many transfer and licence agreements of intellectual property rights (notably software licence agreement). She frequently advises on data protection issues regarding for instance, the notifications to be made to the Belgian Privacy Commission, the transfer of data in and outside the EU, the processing of sensitive data...

Olivia is an active member of the Belgian National Association for the Protection of Industrial Property (ANBPPI) and recently became a member of the International Association of Privacy Professionals (IAPP).

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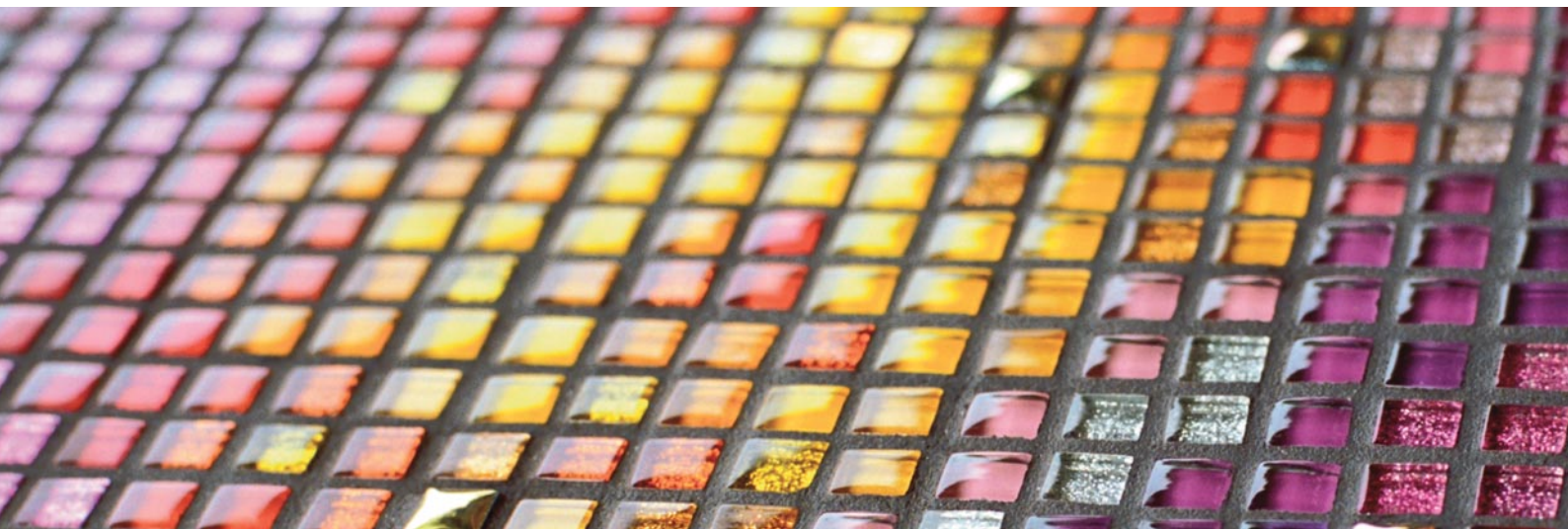
Maroussia graduated with a law degree in 2004 from the Catholic University of Louvain-la-Neuve. In 2007, she completed an LL.M. in Intellectual Property Law at the Catholic University of Brussels.

Maroussia's practice focuses on intellectual property (trademark, copyright and design) and encompasses the full range of legal practice areas linked to the launching and marketing of products and services, in particular the privacy issues related to personal data protection and their regulatory aspects, distribution, franchising, advertising and consumer protection.

She has published several articles on IP and distribution.

## HIGHLIGHTS OF OUR RECENT EXPERIENCE

- We regularly advise clients regarding the cross-border transfer of personal data, whether the data is transferred within or outside the EU (for ex. India, China). We assist clients in reorganisation programs such as the centralisation of the processing and transfer of personal data between the various entities of group companies. We review or draft their corporate binding rules. We help clients in the recording requirements and the formalities to be fulfilled in that case.
- We assist many clients with respect to privacy issues at the workplace such as screening e-mail privacy policies, whistleblowing policies or global cyber surveillance of employees.
- We advise clients about the recording requirements with regard to an employee's family's personal data, or about the recording of a private picture of the employee in the company database. We make background checks before the launching of e-recruitment and selection.
- We advised insurance companies and car manufacturers in relation to the privacy issues of implementing a black box in motor vehicles.
- We advised a company on the compliance of viral marketing tools with Belgian data protection legislation.
- We frequently advise clients on the review of their data protection clauses, applicable law and general requirements. We assist them with the notification of various forms to the Privacy Commission.
- We assisted several clients in the filling in of a personal data protection survey in the bank and automotive sectors (bank secrecy, security, regulatory control, criminal/civil penalties for unlawful disclosure, anti-money laundering, ...).
- We advised a client with respect to privacy compliance in the context of clinical trials (processing of sensitive data, consent of the patient, ...).
- We assisted a client on some aspects of a telematics project under Belgian law: internet service provider obligations, general principles of data processing, obligations due to electronic communications (telephone, emails, ...).
- We assisted one of the leaders in marketing the world's local businesses online in the launching of its activities in Belgium and in particular regarding the numerous privacy issues raised by its business model.
- We assisted an HR provider which was victim of the activities of a professional hacker who stole a lot of (sensitive) personal data and disclosed it on the internet. We supported the company in various proceedings: notably with the filing of a criminal complaint with civil constitution against the hacker, with the assessment of the potential liability of the IT service provider, which had not adequately secured the IT network of the HR provider in view of potential civil proceedings against it, as well as with the filing of a notification to the Belgian Privacy Commission in order to inform it of the theft of this data and the appropriate measures taken in order to avoid such hacking in the future.



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