

Information Governance & Data Protection

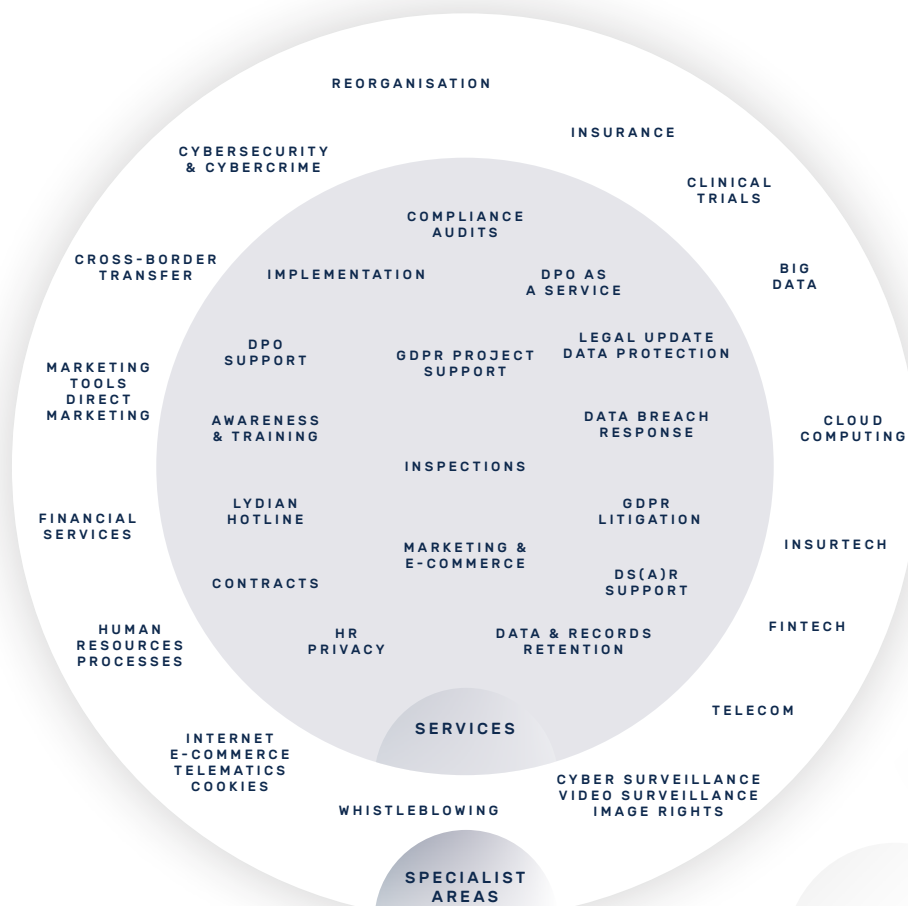
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"Lydian is praised for being very knowledgeable, great value for money, as it gives useful, straight-to-the-point advice, without too many caveats."

LEGAL500

A comprehensive, efficient approach

Today, Information Governance & Data Protection issues are critical elements of risk management for every company. Lydian's Information Governance & Data Protection team will help you manage that risk. Lydian represents clients, large and small, from all industry 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 (privacy), intellectual property, information technology and employment law enables us to offer a full range of services and support for Legal Counsel, DPOs, Privacy Managers and privacy professionals.

IN-DEPTH EXPERTISE

The full scope of Lydian's Data Protection services

- Compliance Audits
 - Implementation
 - DPO as a Service
 - DPO Support
 - GDPR Project Support
 - Legal Update Data Protection
 - Awareness & Training
 - International Data Transfer & Transfer Impact Assessment (TIA)
 - Data Breach Response
 - Lydian Hotline
 - Inspections
 - GDPR Litigation
 - Contracts
 - Data Protection Impact Assessment (DPIA)
 - DS(A)R Support
 - HR Privacy
 - Marketing & e-Commerce
 - Data & Records Retention
 - Privacy & Data Protection e-Zine
 - Privacy & Data Protection Seminars & Webinars
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Compliance Audits

Audits to assess your organisation's (or specific processing operations') compliance with data protection legislation/regulation.

Pursuant to the GDPR, a data controller must regularly audit its processing activities to assess the level of compliance and identify instances of non-compliance and possible improvement.

Lydian carries out or provides assistance with Data Protection Compliance Audits, including:

- scoping, incl. identification of areas affected and key stakeholders;
- initial project set-up and resourcing;
- roadmap development, planning (milestones), project management and tooling;
- detailed analysis of GDPR requirements and impact on the business/operations;
- data mapping and document gathering;
- assessment of the existing level of data protection (privacy) compliance; and
- gap analysis: steps to be taken in order to achieve/improve GDPR compliance.

We make use of proven methodologies and standardised tools (e.g., audit toolkits, questionnaires, compliance checklists) and, at your request, we can ensure the project management during the entire project.

Implementation

Hands-on, practical assistance on the implementation of the GDPR within your organisation.

Upon completion of a Data Protection Compliance Audit or otherwise, steps must be undertaken to bring the in-scope processing activities in line with data protection legislation, based upon the gaps identified.

Lydian provides hands-on, practical assistance to clients on the implementation of the GDPR's requirements. We provide, amongst other things, the following assistance:

- implementation of GDPR-compliant processes, documentation, policies;
- internal communication, training and (C-level) awareness raising;
- advice on mechanisms to legitimise cross-border data transfers;
- advice on the appointment of a Data Protection Officer; and
- carrying out Data Protection Impact Assessments (DPIA).

DPO as a Service

Lydian as your external DPO.

Under the GDPR, it is a requirement for certain controllers and processors to designate a Data Protection Officer (DPO). The designated DPO will play a central role in implementing an effective data protection framework that complies with the requirements of the GDPR. Pursuant to the GDPR, the DPO may be internal (employee) or external (service provider).

Our DPO as a Service offering enables organisations to appoint a senior Lydian lawyer (Partner, Counsel or Of-Counsel) as its external DPO, thus enabling the organisation to be compliant with the GDPR and to rely on the broad expertise of Lydian's Information Governance & Data Protection (Privacy) team.

DPO Support

Lydian as an extension of your DPO Team at a fixed price.

As a DPO or Privacy Manager, while you have limited time and other resources, you are faced with a multitude of often complex and delicate questions on a very broad range of issues coming from within your organisation.

Our DPO Support service acts as your helpdesk. Lydian can provide you with the necessary support in order for you to be able to cope with the workload and, in addition, act as a sounding board. Our service consists of a fixed number of hours of assistance per month at a fixed monthly fee. This way, we provide you with assistance within a budget that is clear from the outset.

GDPR Project Support

GDPR expert resources to help you cope with (spikes in) GDPR workload.

As a DPO or Privacy Manager, your time and resources are limited. New projects within your organisation may cause a sudden need for additional GDPR expert resources.

Lydian has a team of lawyers with interesting profiles and the necessary expertise in data protection. These people are available to assist you with various projects and can support you with complex and/or day-to-day tasks on a project or secondment basis, on-premise or from a distance.

Legal Update Data Protection

Periodic comprehensive overviews of recent data protection developments.

As a DPO, Privacy Manager or privacy professional, you must keep up-to-date on the latest developments in the area of data protection. This is in and of itself already a challenging task, given the complexity of the legal area, the constantly evolving data protection landscape and the sheer number of stakeholders.

Our Legal Update Data Protection, which is available on a monthly or quarterly basis, helps you by tracking important Belgian and EU legal, regulatory, case law and other developments in the area of data protection, complete with useful summaries, recommendations and links to the original documents in English, Dutch and/or French. Our Legal Update Data Protection is available in English only.

Awareness & Training

Development and administration of GDPR training and awareness programmes.

Awareness-raising and training of staff involved in processing operations are key obligations of every controller and processor. This is also part of the mandatory responsibilities of the DPO.

Lydian assists clients by developing, in close cooperation with the client, tailor-made training and awareness programmes for the various target audiences within the organisation. Our assistance includes:

- curriculum development, tailored to each target audience;
- development of client-specific course materials;
- provision of training (directly or train-the-trainer; live, webinar or pre-recorded); and
- advising on suitable awareness campaigns, taking into account the specifics of the organisation.

Our offering does not only comprise general GDPR training, but also training of specific functions or persons within the organisation (e.g., HR or privacy PoCs throughout your organisation).

International Data Transfer & Transfer Impact Assessment [TIA]

Advising on international data transfers and Transfer Impact Assessments (TIA).

In a global business context, international transfers of personal data are inevitable. When working with partners, suppliers and subcontractors located in other parts of the world, controllers must consider

the safeguards of the country in which these contracting parties are located. It should therefore be evaluated whether the strict European standards are met and the processing operations can provide appropriate safeguards.

The Schrems II judgment introduced the so-called Transfer Impact Assessment (TIA). Due to the annulment of the then “Privacy Shield” transfer mechanism to the United States and questioning the use of Standard Contractual Clauses (SCCs) as such, organisations may be required to conduct a TIA.

Lydian can assist your organisation in the processing of personal data in such an international context and has extensive experience in advising clients on selecting an appropriate transfer mechanism as well as the implementation of a TIA and taking additional measures to safeguard personal data.

Data Breach Response

Effective and practical data breach and incident response support, including 24/7/365 Hotline.

Growing technology and complex digitalisation increase risks of cyber-attacks and loss of data for companies. We advise clients on the pro-active steps to take in order 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.

When faced with a data breach or security incident, time is of the essence. Not only does the GDPR provide for strict notification (towards the supervisory authorities) and communication (towards the affected data subjects) obligations. In addition, your organisation’s operations may be compromised and it may face liability vis-à-vis affected data subjects and third parties.

Lydian provides data breach and incident response support, enabling you to meet all deadlines and fulfil your obligations. Our assistance includes:

- preparation of data breach and incident response plans, procedures and processes;
- incident management and coordination;
- advising on mitigating measures to be taken in order to ensure business continuity;
- contacts with and coordination of third party vendors (e.g., IT forensics);
- the preparation, review and/or submission of required notifications to supervisory authorities;
- the preparation of communications addressed to affected data subjects;
- the preparation and/or review of follow-up communications with supervisory authorities;
- identifying legal responsibilities and enforcing your organisation’s rights (through formal notifications of default, amicable negotiations and, if necessary, court proceedings);
- assistance on possible contractual disputes as a result of the incident (e.g., with service providers); and
- advising on possible insurance coverage and assisting with timely insurance declarations.

Lydian has set up a dedicated Lydian Hotline that is 24/7/365 available (see below).

Lydian Hotline

A 24/7/365 hotline for emergency data protection assistance.

As DPO, Privacy Manager, or Privacy Responsible, you are often confronted with situations that require immediate attention and assistance from external counsel.

Think about:

- your organisation is the subject of an unannounced company visit by the Data Protection Authority and you need immediate (on premise) legal assistance;
- your organisation has been the subject of a cyber-attack resulting in your organisation's systems being down and/or its operations seriously hampered and you need external counsel to provide breach response services; or
- your organisation suffered a data breach, which must be notified to the data protection supervisory authorities within 72 hours and must possibly also be communicated to the data subjects.

Call the Lydian Hotline. The Lydian Hotline is a professionally run 24/7/365 hotline that can be called by (prospect) clients and that ensures that you receive immediate assistance from Lydian.

The Lydian Hotline is outsourced to a professional call centre operator subject to strict SLAs and ensures that you will be contacted immediately by one of the partners of the firm, who will be able to further assist you with his/her team.

Inspections

Assistance on and management of inspections by supervisory authorities.

Supervisory authorities may investigate your organisation's data protection practices in various circumstances, be it as a result of a complaint or request or even on its own initiative. The Data Protection Authority's Inspection Service has far-reaching investigative powers in this respect and may, inter alia, conduct written enquiries, on-site investigations, etc.

Lydian can assist you as DPO, Privacy Manager, or Privacy Responsible with all aspects of such inspections, including:

- the drawing up of internal guidelines and policies and the organisation of trainings, in order to make sure that everyone knows what is expected of him/her in the event of an investigation;
- communication with supervisory authorities;
- on-site assistance during inspections;
- international coordination;
- emergency consultations and track of deadlines;
- the review of evidence and the preparation of a file of exhibits; and
- the preparation and/or review of responses.

“
Very pleasant, open,
dedicated and flexible
communication.
Clear advice without
making it unnecessarily
complicated.”

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GDPR Litigation

Representation in data protection litigation before supervisory authorities and regular courts.

Supervisory authorities can impose various sanctions on organisations, ranging from a warning or reprimand to (astronomical) administrative fines. In addition, proceedings may be brought before the ordinary Belgian courts. An appropriate and timely defence against accusations and/or claims of data subjects is extremely important.

Lydian can represent the interests of your organisation in proceedings before the Data Protection Authority, the ordinary Belgian courts and, if necessary and/or useful, the Market Court or the other Courts of Appeal. Lydian has a strong track record and strives to establish a robust defence based on a thorough knowledge of each case.

Contracts

Drafting, review and negotiation of data protection related contracts.

Pursuant to the GDPR, controllers must enter into processing agreements when entrusting the processing to a processor (Art. 28 GDPR). Where two or more organisations work together as joint controllers, a contract is also mandatory (Art. 26 GDPR). Contracts between independent controllers are not mandatory but highly recommended.

Lydian assists clients on the drafting, review and negotiation of the various types of data protection agreements. Wondering whether your organisation's template agreements are adequate and reflect the state of the art? Contact us for an independent review.

Data Protection Impact Assessment (DPIA)

Preparation, conduct and review of Data Protection Impact Assessments (DPIAs).

Keeping your organisation up to date with the newest trends and developments in the field, in particular using new technologies, often presents risks as regards data protection. Controllers must therefore consider the impact of the planned processing operations of personal data.

Where data processing can be considered high risk for data subjects, your organisation can rely on Lydian to conduct a thorough data protection impact assessment (DPIA) to keep your business compliant.

Our assistance includes:

- analysis whether the organisation is required to conduct a DPIA;
- description of the nature, scope, context and purpose of processing;
- assessment of the necessity and proportionality of the processing operations and reflection on possible alternatives;
- consideration of the potential impact on data subjects;
- identification of risks and proposition of mitigating measures;
- advise on the consultation of a supervisory authority;
- follow-up on the implementation of the project and integration of the DPIA outcome into the project plan; and
- regular/periodic review of the DPIA

DS(A)R Support

Hands-on assistance on Data Subject (Access) Requests.

Under the GDPR, data subjects have been granted broad rights that can be exercised against your organisation as data controller. This includes the right to access, correction, deletion, objection, transfer and restriction. As a controller, you must honour such requests within strict timelines (generally one (1) month).

Lydian provides assistance in the communication with data subjects. Such communication must be done carefully as data subjects can lodge complaints with the Data Protection Authority when your organisation's answer is not satisfactory. Lydian can indicate what information must be communicated in what manner and what actions must be taken when receiving such a request. Lydian also assists with the analysis of whether the data subject right invoked applies in the case at hand and, if so, what exceptions or exemptions could be invoked by your organisation.

HR Privacy

Advice on handling data protection and privacy issues in an employment context.

Data Protection legislation does not only affect customer data. Personal data of your employees are at least as important. There are even stricter regulations for handling employee data than customer data.

Lydian's multi-disciplinary Information Governance & Data Protection (Privacy) team comprises employment law experts and has extensive experience in HR data protection and privacy issues at work. We advise clients on:

- GDPR compliance in HR (data protection notices, data subject requests, GDPR training for HR, agreements with HR service providers);
- privacy issues in recruitment (background screening) and employment;
- processing HR data (databases, software); and
- privacy-related questions in internal investigations of employees and disputes between employees and employers.

We assist our clients in implementing global data protection agreements as well as drafting specific policies on acceptable use of IT, CCTV and other tracking systems or cyber surveillance (including BYOD, social media), and whistleblowing.

Marketing & e-Commerce

Advise on the use of personal data in a marketing and e-commerce context.

E-commerce businesses deal with many data: they process everything from customer data to locational and behavioural data. Personal data is shared with retailers or service providers every time a customer or user goes online.

Lydian has extensive experience with the collection, use and disclosure of data through various marketing tools. We advise clients on the rules regarding opt-in and opt-out for direct marketing through all channels. We advise clients on the use of personal data in the context of Big Data projects and ensure that such projects comply with the rules on transparency, automated data processing activities and profiling. We advise clients on the use of cookies and similar technologies. We also assist clients in dealing with data breach response.

Data & Records Retention

Preparation, documentation and practical implementation of appropriate data and records retention policies.

Under the GDPR, personal data may be retained for no longer than is necessary for the purposes for which they are processed. Implementing and enforcing appropriate data and records retention policies and schedules within an organisation is probably one of the most daunting tasks of a DPO or Privacy Manager.

Lydian assists clients in preparing and documenting appropriate data and records retention policies. In close cooperation with our client's IT departments, Lydian also advises clients on how to implement and enforce data and records retention policies in day-to-day activities, preferably in an automated manner.

Privacy & Data Protection e-Zine

Free of charge newsletters keeping you up-to-date on recent data protection developments.

Via our timely e-zines, we keep you as privacy professional up to date on the most recent developments in the area of data protection. Register for free [here](#).

Privacy & Data Protection Seminars and Webinars

Free of charge seminars/webinars providing in-depth analysis of recent data protection developments.

Lydian's Information Governance & Data Protection (Privacy) practice group regularly organises free lunch seminars and webinars. During such seminars/webinars, we discuss in-depth a specific issue in the field of data protection (e.g., international transfer, DPIA, etc.). Participation is free of charge. To be informed of upcoming seminars/webinars, please register for our Privacy & Data Protection e-Zine [here](#).

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.

Our experts



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Highlights of our recent experience

Our experience includes:

- advising a group of six (6) EU Joint Undertakings forming part of the EU Commission on compliance with EUDPR in the context of the roll-out of Microsoft 365, following a Data Protection Impact Assessment (DPIA), including legal ground assessment, update of the Register of Processing Activities, preparing transparency notices, preparation of Data & Records Retention policies and their implementation in day-to-day practice, development and delivery of staff training and advice on international data transfers;
- advising a major stock-listed energy company headquartered in France on the preparation of standard documentation, questionnaires and procedures for carrying out Transfer Impact Assessments (TIA), with specific attention to transfer in the context of cloud services, including advice on supplementary measures;
- providing a well-known Belgian direct insurer with day-to-day DPO Support, Legal Updates and tailor-made Training & Awareness services in the context of its global GDPR compliance programme;
- advising a professional association in the insurance sector with respect to the setting up of a new database and related processing activity to combat insurance fraud in compliance with the GDPR, including assisting in connection with a related inspection by the Data Protection Authority;
- representing a stock-listed telecom operator headquartered in France in proceedings before the Data Protection Authority's Litigation Chamber and the Market Court in connection with a number of data breaches, following inspections carried out by the Data Protection Authority;
- providing Data & Records Retention advice to a major Irish insurer, part of a French stock-listed banking and insurance group;
- advising a leading supplier of sensors, measuring systems, laser markers, microscopes, and machine vision systems worldwide in connection with the implementation and placement of surveillance camera's;
- carrying out GDPR Compliance Audits in respect of the various processing activities carried out by a professional association in the insurance sector, including providing GDPR Implementation services in order to render such processing activities compliant;
- acting as external Data Protection Officer (DPO) for a number of large Belgian pension funds (DPO as a Service);
- providing Data Breach Response services to various well-known insurers and their clients/insureds, including incident management, preparation of incident response plans, procedures and processes, contacts with a coordination of third-party vendors, preparation of notifications and communications with data subjects;

- advising a **Flemish drinking water distributor** in connection with the roll-out of digital (smart) water meters in compliance with GDPR, including legal ground assessment, assistance on Data Protection Impact Assessment (DPIA), implementation of DPIA recommendations and preparation of legislative texts in order to regulate the roll-out of digital water meters in Flanders;
- providing DS(A)R Support to a **stock-listed Japanese company active in the automotive sector** in connection with a complex cross-border Data Subject Access Request by a former employee;
- advising a **well-known German seller of office supplies** in connection with the setting up of a B2C webshop in the Benelux and providing advice regarding Marketing & e-Commerce, in particular B2C marketing activities;
- advising a **well-known German health insurer** on Data & Records Retention in the context of Data Subject (Access) Requests; and
- advising a **European dental group** on data protection compliance in the framework of a series of acquisitions (M&A).



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