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# DATA PRIVACY & SECURITY FOR IN-HOUSE COUNSEL

Friday, January 21, 2011

Video replay details inside.



Minnesota State Bar Association  
Continuing Legal Education

# DATA PRIVACY & SECURITY FOR IN-HOUSE COUNSEL

- The Current Legal Landscape
- The Biggest Areas of Exposure in Data Privacy and Security
- New PCI Security Standards
- Data Breach – Navigating the Technical, Strategic and Legal Issues
- Privacy Issues in Social Media
- What Happens When Your Client's Sensitive Data Goes to a Business Partner or "The Cloud"?
- Liability, Limitations and Loopholes in Publicity Law
- Behavioral Advertising and "Re-Purposing" Marketing Data

Friday, January 21, 2011  
Minnesota CLE Conference Center

Video replay details inside.

## COURSE INFORMATION

### LIVE PRESENTATION

**Minneapolis**  
**Friday, January 21, 2011**  
Minnesota CLE Conference Center  
Seventh Street & Nicollet Mall  
Third Floor City Center

### VIDEO REPLAYS

Schedule times for replays may differ from the live presentation due to abbreviated lunch and break periods. Start times are as indicated below. Please register at least one week in advance to secure your copy of the materials on the day of the seminar.

**Minneapolis – 2/10/11**  
**Minneapolis – 2/24/11**  
**(Registration 8:30; Replay 9:00)**  
Minnesota CLE Conference Center  
Seventh Street and Nicollet Mall  
Third Floor City Center

### CREDITS

Minnesota CLE is applying to the Minnesota State Board of Continuing Legal Education for **6.25 standard CLE credits**.

### CANCELLATION/NO-SHOW POLICY

Paid registrants who cancel their registration at least 72 hours before the program will receive a full credit on their account; if fewer than 72 hours, a \$25 administrative fee will be deducted. Paid registrants who do not cancel, yet fail to attend, will receive the written materials. Passholders may purchase the materials for 50% of the full retail price.

### ACCOMMODATION

If you have a disability and need an accommodation in order to attend, contact Minnesota CLE at 2550 University Avenue West, Suite 160-S, Saint Paul, MN 55114 or call us at 651-227-8266 or 800-759-8840.

### QUESTIONS?

Call **651-227-8266** or **800-759-8840** or visit **www.minncle.org**.

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8:30 – 8:50 a.m.  
CHECK-IN & CONTINENTAL BREAKFAST

8:50 – 9:00 a.m.  
WELCOME & INTRODUCTION

9:00 – 10:30 a.m.  
**The Current Legal Landscape and the Biggest Areas of Exposure in Data Privacy and Security**

This foundational overview provides a practical immersion into the key privacy and security issues and concepts critical to in-house counsel. This session will:

- Introduce you to the laws, regulations and industry standards implicated in this area and how they intersect;
- Identify significant areas of exposure in today's business and enforcement environment; and
- Provide context regarding the impact on your client's business practices and policies.

Topics will include general discussions of FTC enforcement climate, international data protection issues and overseas enforcement, information security breaches, behavioral advertising, and more.

– *Lisa J. Sotto*  
*Hunton & Williams LLP; New York*

10:30 – 10:45 a.m. BREAK

10:45 – 11:30 a.m.  
**PCI Security Standards – What They Are, How They've Just Changed, and Why You Should Care**

The Payment Card Industry (PCI) Security Standards Council recently released a new version (2.0) of the PCI Data Security Standards (PCI DSS). We will discuss the PCI Security Standards in general (there are three of them), examine ways of assessing and demonstrating compliance, review the PCI DSS and what has changed in version 2.0. You will be provided a checklist that may assist you in having the right conversations in your organization with business and IT leaders about your organization's PCI compliance program.

– *Elimu Kajunju (Course Co-Chair)*  
*Data Privacy Officer*  
*Carlson Companies; Minnetonka*

11:30 – 12:15 p.m.

**Data Breach – Navigating the Technical, Strategic and Legal Issues**

When companies lose laptops, or backup tapes, or suffer a computer intrusion on systems containing personal information regarding customers or users, they trigger notification duties under a patchwork of state statutes. This session describes how companies should navigate the technical, strategic, and legal issues involved in complying with these statutes. In addition, the presentation will provide practice tips on what immediate steps to take when a data breach occurs. As part of the accompanying written materials, you'll receive a practical, comprehensive checklist that incorporates the issues a breached company should think about in dealing with a breach.

– *Paul H. Luehr*  
*Stroz Friedberg LLC; Minneapolis*

12:15 – 1:15 p.m. LUNCH (on your own)

1:15 – 2:00 p.m.

**Privacy Issues in Social Media**

Facebook, Twitter, MySpace: These days it seems like everyone's involved in social media – including your employees. While social media sites offer an unprecedented way for people and businesses to connect, these sites also collect, disclose and transmit significant amounts of personal data. This session will explore some of the myriad privacy issues raised by use of this new media, including issues raised by geo-location technology.

– *Daniel S. Goldman*  
*Legal Counsel; Mayo Clinic; Rochester*

2:00 – 2:45 p.m.

**Your Client's Sensitive Data – What Happens When It Goes to a Business Partner or "The Cloud"?**

A discussion of significant issues in this area including: When are privacy laws implicated by the transfer of sensitive data between entities, and what industry or statutory requirements apply to various businesses? What are the privacy and security implications when your client uses cloud computing related to such data? What are the legal and practical considerations in drafting contract terms between those entities establishing who owns the data, data security performance standards, liability allocation, and the return of data? What makes for an effective post-contract oversight program?

– *James P. Quinn*  
*Larkin Hoffman Daly & Lindgren Ltd.;*  
*Minneapolis*

2:45 – 3:00 p.m. BREAK

3:00 – 3:45 p.m.

**Where Privacy and Popularity Collide: Liability, Limitations and Loopholes in Publicity Law**

Join us for a discussion of the right of publicity, the right of an individual – celebrity or not – to control the commercial use of his or her name, picture, likeness, voice, and more. We will discuss how an individual's right of publicity can be triggered in commercial situations, the exceptions to one's publicity rights, the tension between the right of publicity and the first amendment, and how to avoid liability for publicity rights violations.

– *John C. Pickerill*  
*Fredrikson & Byron P.A.; Minneapolis*  
– *Carrie L. Rosenberry*  
*Fredrikson & Byron P.A.; Minneapolis*

3:45 – 4:30 p.m.

**Behavioral Advertising and "Re-Purposing" Marketing Data: Privacy Issues in Client Marketing**

In-house counsel must remain alert to possible privacy issues when dealing with the rapidly evolving field of targeted advertising based on online behavior. The session will include an overview of behavioral advertising, including the FTC's public position on the subject, and its increasing skepticism toward industry self-regulation. Practical advice will be given with respect to notice, consent, data collection, and other related issues.

– *Brian Hengesbaugh*  
*Baker & McKenzie; Chicago*

4:30 – 4:45 p.m.

**"If You Remember Only 'This' When You Leave Today": Top 10 Tips to Bring Back to the Office**

Two of today's course planners round out the day with their "top 10" list of legal insights and practice tips – a great way to reinforce important data privacy and security concepts discussed during the day.

– *Samia C. Haddad (Course Co-Chair)*  
*Chief Compliance Officer*  
*OptumHealth; Golden Valley*  
– *Steven E. Helland (Course Co-Chair)*  
*Fredrikson & Byron, P.A.; Minneapolis*

REGISTRATION / ORDER FORM

# DATA PRIVACY & SECURITY FOR IN-HOUSE COUNSEL

Friday, January 21, 2011 • Minnesota CLE Conference Center

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**VIDEO – 2/24/11**

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