



October 13-14, 2016 | Hotel Kabuki, a Joie de Vivre hotel | San Francisco, CA



This conference is also approved for CPE credits, as an Approved Privacy Education Provider and Activity.

20th Advanced Global Legal and Compliance Forum on

PRIVACY & SECURITY OF CONSUMER AND EMPLOYEE INFORMATION

Featuring Key Insights and Expert Advice on:

- Vendor management: ensuring compliance with regulators from all types of vendors (from higher to lower risk)
- Big data in the privacy context: impact of the FTC's report on the use of big data and a look into how big data will be regulated in the future
- Cloud vendors: privacy and security considerations, due diligence for outsourcing vendors, negotiating vendor agreements, and maintaining compliance when dealing with a customer and cloud vendors
- Practical ways of creating a privacy training program for employees: determining frequency of training, strategies to ensure completion of training, and reporting problems/breaches
- Cyber & data risk insurance and evaluating coverage, pricing, and options
- Healthcare and OCR updates: the latest on HIPAA developments, privacy and security of medical devices and monitors, and preparing for audits
- Cross-device targeting: compliance programs, regulation on targeted advertising to mobile devices
- Internet of things: code of conduct, evaluating privacy and restrictions on sharing and usage of data for marketing with connected devices and mobile applications
- Privacy litigation: class action, standing, causation, and impact of *Spokeo*
- Data security, information governance, and reputation management

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Be sure to also book for Workshops A & B:

- A** Privacy & Security 101
- B** Understanding the Information Security Department's Processes to Help Companies Build a Successful Compliance Program

Now in its 20th installment, ACI's acclaimed **Advanced Global Legal and Compliance Forum on Privacy & Security of Consumer and Employee Information** is the premier event for privacy officers, in-house counsel, senior executives, and outside attorneys specializing in data privacy, cyber security, and information security.

Learn the latest federal and state enforcement and regulatory initiatives and benchmark your practices with the leaders in the industry!

ACI is pleased to announce the 20th Advanced Global Legal and Compliance Forum on Privacy & Security of Consumer and Employee Information. This program is the definitive source for privacy leaders and counsel to obtain practical strategies for compliance with the latest privacy regulations, laws, and best practices for safeguarding data. **Don't miss this unparalleled opportunity to hear from and network with industry leaders at this highest level event, where you will learn how to minimize exposure and protect sensitive data while ensuring you are up to date with the emerging trends in the rapidly advancing area of data privacy and information security.**

Most institutions today collect, use, and disclose an enormous amount of data from their users. Their employees are exposed to significant risks as they relate to **data breaches**, including government penalties, litigation, and **damage to reputation and good will**. These risks and exposures have increased through cloud computing, social media, mobile devices and online communication.

As the number of breaches increase and new regulations are pending in multiple agencies, every general counsel, privacy officer, compliance professional, IT leader, risk manager, and outside counsel working in this arena needs to understand the extent of these exposures and risks, and learn how to be proactive and compliant by having the appropriate protection and risk management practices in place.

Don't miss this rare chance to network with the nation's preeminent privacy professionals from *FTC, California AG's Office, Mississippi AG's Office, Delaware Insurance Commissioner, Virginia AG's Office, Louisiana Department of Insurance, Microsoft, Network Advertising, Visa, HERE, Google, Advocate Healthcare, American Express, Alfred Mann Foundation, General Datatech L.P., SCOR, Wells Fargo, Avaya, and many others.*

Plus, register for the Pre and Post Conference Workshops:

A Pre-Conference Workshop
Privacy & Security 101
9–11 am, Thursday, Oct. 13



B Post-Conference Workshop
Information Security Department's Processes
3–5 pm, Friday, Oct. 14

Register now by calling 888-224-2480 or faxing your registration form to 877-927-1563.
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- ✓ Chief Privacy Officers
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- ✓ Privacy Officers and Analysts
- ✓ Security Officers
- ✓ IT & Enterprise Risk Management Professionals
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- 30 years building a network of industry leaders
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Our new brand look and language will be fully revealed soon. Stay tuned for more exciting changes.

PRE-CONFERENCE WORKSHOP

Thursday, October 13, 2016

9:00 am to 11:00 am

(separate registration required; registration opens at 8:30 am)

A Privacy & Security 101: Understanding the Technology & Key Laws and Regulations

Noga Rosenthal
Chief Privacy Officer
Epsilon/Conversant

Daniel Silver
Partner
Clifford Chance US LLP

Daniel A. Cotter
Partner
Butler Rubini Saltarelli & Boyd LLP

- Overview of key privacy and data security laws, including data breach laws and regulatory requirements
- Data loss and breach prevention strategies, tools, and tips
- Incident management plans and data breach response strategies
- Privacy, data breaches, and the key technological tools and experts behind them
 - Bridging the gap between legal and regulatory requirements regarding the protection of sensitive data, and the technology that protects such information
 - How does IT intersect with privacy?
 - Understanding IT systems utilized by companies to prevent breaches and data loss, including firewalls and private networks
 - The basics of a data breach
 - The basics of a data breach response
 - The role of forensic and audit teams
 - Best practices for assembling and working with a forensics and audit team
- Key laws, regulators, and enforcement bodies to consider when dealing with privacy concerns and data breaches
 - A look at the current regulations and legislation which impact privacy & security
 - The role of regulators in the realm of privacy & security



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MAIN CONFERENCE DAY ONE

Thursday, October 13, 2016

10:30 Main Conference Registration and Continental Breakfast

11:00 Co-Chairs' Welcoming Remarks

Craig Moore
Senior Counsel/Officer
Wells Fargo

Barrie VanBrackle
Partner
Orrick

11:05 Federal and State AG Enforcement on Cyber Security, Data Privacy, and Protection: Current Trends, Legislation, Preparing for Auditing from Various Agencies, Defining "Reasonable" Safeguards and Encryption Requirements, and the Latest on Breach Notification Standards

Whitney Merrill
Attorney
Federal Trade Commission

Joanne McNabb
Director of Privacy
Education and Policy
California Attorney
General's Office

Jim Hood
Attorney General
Mississippi

Steve Kinion
Director
Bureau of Captive
and Financial Insurance
Products, Delaware

Gene Fishel
Senior Assistant Attorney
General
Virginia Attorney
General's Office

Arlene Knighten
Executive Counsel
Louisiana Department
of Insurance

Moderator:

Alysa Hutnik
Partner
Kelley Drye & Warren LLP

FEDERAL

- Update on where federal agencies are heading with cyber security and data privacy and protection
- Current enforcement trends
- Existing and prospective Congressional action
- Cyber security legislation and White House initiatives
- What audits will be taking place in the near future? From which agencies?
- What are companies expected to do to ensure proper compliance?

STATE

- Current areas of focus for state AGs
- What a national notification law would mean for the states
- "Reasonable" safeguards and encryption requirements

- Regulatory and enforcement insights
- Security breach notification requirements
- Recent state settlement and enforcement trends
- How is a business to effectively remain compliant?

12:40 Networking Lunch for Speakers and Attendees

1:40 In House Roundtable: Assessing the Board of Directors Role in Compliance, Review of Cyber Threat Sharing Legislation, What is Considered Reasonable Due Diligence for Deciding Not to Notify, and Striking the Balance Between Customers' Data and Maintaining Privacy

Jennifer Harkins Garone
Global Privacy Lead, MSIT
Microsoft

Jim Lai
Privacy Officer
HERE

Craig Moore
Senior Counsel/Officer
Wells Fargo

Ruby Zefo
VP and Chief Privacy &
Security Counsel
Intel Corporation

Moderator:

Gerard M. Stegmaier
Partner
Reed Smith LLP

Adam Rubin
General Counsel
PrizeLogic

Christopher Pierson
Chief Security Officer &
General Counsel
Viewpost

Edwin C. Koehler
Director – Distinguished
CSE – SDN Solutions &
Strategy – WW Sales
Distinguished CSE
Avaya

- What role does or should a Board of Directors play in ensuring compliance and an appropriate incident response and how does or should it interact with management to ensure companies have proper cyber security posture?
 - » How involved should a board be? What kind of information should a board have and how often should it be getting that information? Who among the management should be providing that information to a board? Placing technically oriented personnel on boards?
 - » What are regulators expecting from boards?
- SEC announced that it would be holding companies' boards accountable; what are its expectations?
- What to focus on during annual/quarterly privacy review process?
- Voluntary sharing of information with government agencies
 - » To what extent does a recently enacted law limit circumstances under which a company will be liable?
 - » What strategies have companies employed to make themselves feel comfortable with sharing information?
- Telephone Consumer Protection Act: how are companies dealing with it?
- How much due diligence is required to be considered reasonable in not notifying; meeting the should have known threshold?
- Striking a proper balance between using customers' data and maintaining customers' privacy
 - » How is a business to maximize usage of its customers' data and still maintain customers' privacy?

3:05 Vendor Management: Ensuring Compliance with Regulators from All Types of Vendors (From Higher to Lower Risk)

Asra Ali, MS, CHC, CHPC, CIPM
Compliance and Risk Manager
Healthscape Advisors

Corey Miller
Sr Privacy Strategist
Microsoft

Daniel A. Cotter
Partner
Butler Ruben Saltarelli &
Boyd

- Ensuring that the right contracts are in place and that contracts have the right terms and conditions
- How does one monitor vendor performance as it relates to conforming to contract terms and conditions?
- Identifying higher risk 3rd party vendors from some of the lower risk vendors
- "Nth" party risk: regulators are expecting companies to pay close attention to their 3rd, 4th, 5th party vendors who are receiving personal customer information – where does it end?

4:00 Afternoon Break

4:10 Big Data in the Privacy Context: Impact of the FTC's Report on Use of Big Data and a Look Into How Big Data Will be Regulated in the Future

Jack Yang
Associate General Counsel,
Global Privacy Office
Visa Inc.

James T. Shreve
Counsel
BuckleySandler LLP

Robert H. Newman
Partner
Winston & Strawn LLP

Ronald I. Raether, Jr.
Partner
Troutman Sanders LLP

- Implications of the FTC's report
 - » What can businesses do with data that they have and what can't they do?
 - » What kinds of consent should companies be gathering? What kinds of notice should they be providing to individuals from whom they may collect information? What does an adequate disclosure/notice look like? Is there a checklist that can help businesses make sure that they are complying?
- How will big data be regulated in the future?
 - » Can any existing laws, such as Fair Credit Reporting Act, be used? Should it be expanded to include data-brokers?

5:25 Cloud Vendors: Privacy and Security Considerations, Due Diligence for Outsourcing Vendors, Negotiating Vendor Agreements, and Maintaining Compliance When Dealing with a Customer and Cloud Vendors

Cody Wamsley
IT Risk & Information
Security Manager
American Express

Assistant Vice President,
Assistant General Counsel
and Assistant Corporate
Secretary North
SCOR

Israel A. Silverman

Lothar Determann
Member
Baker & McKenzie
LLP

- What are the privacy and security considerations when outsourcing to a cloud vendor who is hosting a company's data?
- What laws and regulations need to be followed when outsourcing?
- What type of due diligence has to be performed when outsourcing?
- What kinds of risk does a company need to think about and what kinds of contractual terms it needs to insist upon and look for when entering into a contract with a cloud service provider to make sure its data is adequately protected and that network on which data resides is adequately secure?
- What is a proper standard for negotiating? What can be negotiated and what can one live with?
- Maintaining transparency and achieving compliance in dealings with a customer and a cloud provider

Hemant Pathak
Assistant General
Counsel
Microsoft

- What kind of security is needed for connected devices?
- When does data need to be encrypted and when it may not be necessary to do so?
- When is local storage appropriate?
- Are there codes of conduct that should be followed? » Sector specific codes of conduct
- Wellness data: health and fitness privacy, fitbit – are enforcement actions to be anticipated?
- Code of conduct for connected cars and privacy

6:25 Conference Adjourns

MAIN CONFERENCE DAY TWO

Friday, October 14, 2016

7:30 Continental Breakfast

8:00 **Cross-Device Targeting: Compliance Programs, Regulation on Targeting Advertising to Mobile Devices**

Noga Rosenthal
Chief Privacy Officer
Epsilon/Conversant

Sunni Yuen
Corporate Counsel
Google

Michael Signorelli
Partner
Venable LLP

- What is it?
- What are the risks?
- Why is it a privacy issue?
- How is or should it be regulated?
- Brief explanation of DAA's guidance – who needs to do what as per DAA?
- What should a compliance regime look like?

8:55 **Internet of Things: Code of Conduct, Evaluating Privacy and Restrictions on Sharing and Usage of Data for Marketing with Connected Devices and Mobile Applications**

Nathan Leong
Attorney
Microsoft

Nancy C. Libin
Member
Jenner & Block LLP

Janis Kestenbaum
Partner
Perkins Coie LLP

Dr. Felix Wittern
Partner
Field Fisher

9:55 Morning Break

10:00 **Privacy Litigation: Class Action, Standing, Causation, and Impact of Spokeo**

Bart Huff
Counsel
Zwillgen

Jay Edelson
Founder and CEO
Edelson PC

Barrie VanBrackle
Partner
Orrick

- Recent developments in privacy litigation
 - » Class actions and the issue of standing
 - » Proving causation
 - » What does one have to do to show harm in data breach cases?
 - » *Spokeo v. Robins* – to what extent does *Spokeo* case impact strategy for data privacy and security breach class actions?
 - » *FTC v. Wyndham*
- Steps that can be taken by companies to either avoid litigation and regulatory investigations or be prepared when they happen
 - » What are some of the steps that a company can take to try to prevent litigation and regulatory investigations?
 - » What are some of the steps that a company can take to be prepared when it does happen?
 - » Is there, and if not, should there be a standard for demonstrating sound information security practices and controls? How do standards operate within different frameworks such as litigation, regulatory investigations, as well as within transactional arena? Do standards have any authority – will a standard placed in a contract and met be recognized by regulators and courts?

10:55 **Practical Ways to Creating a Privacy Training Program for Employees: Determining Frequency of Training, Strategies to Ensure Completion of Training, and Reporting Problems/Breaches**

Laura Merten
Chief Privacy and
Compliance Officer
Advocate Healthcare

Elizabeth Rogers
Shareholder | Cybersecurity,
Privacy and Crisis Management
Greenberg Traurig, LLP

John Ansbach
General Counsel
General Datatech, L.P.

- What does a privacy training look like?
 - » How often does a training have to be performed? Should it be tailored to certain job functions (i.e., every employee receives basic training and after that to tailor it to certain job functions)

- » Accountability strategies if employees don't complete training or don't do what they are supposed to do
- » Strategies for encouraging employees to report problems, breaches, failures to follow protocols
- » Some suggested ways to balance encouraging employees to report with accountability and fear of losing one's job
- What specific challenges have companies faced with their training programs and how have they dealt with them?

11:50 Healthcare and OCR Updates: The Latest on HIPAA Developments, Privacy and Security of Medical Devices and Monitors, and Preparing for Audits

David Hankin
CEO
Alfred Mann Foundation

W. Reece Hirsch
Partner
Morgan, Lewis & Bockius LLP

Nancy L. Perkins
Counsel
Arnold & Porter LLP

- HIPAA recent developments
 - » New schedule for HIPAA audits
 - » What do companies need to do to get ready for OCR audits? Where do they go for the checklist?
- Expansion of breach notification laws
- As more medical devices are being developed and as more tools for sharing patients' information online become available, what are the privacy and security implications?
- Does an entity know that it is a business associate/covered entity and if so, does it have a compliance regime in place?

12:45 Cyber & Data Risk Insurance: Evaluating Coverage, Pricing, and Options

Linda D. Kornfeld
Partner
Kasowitz, Benson, Torres & Friedman LLP

René L. Siemens
Partner
Covington & Burling LLP

Brian J. Dusek
Partner
McCullough, Campbell & Lane LLP

- Why buy? Which businesses should absolutely consider buying?
- What to buy? How to go about evaluating it? To whom to turn for help when evaluating it?
- From whom to buy? Through broker or to go at it alone?
- Bottom line: how do first-time buyers of cyber insurance navigate through a very non-uniform world of cyber insurance?

1:40 Data Security, Information Governance, and Reputation Management

Daniel Silver
Partner
Clifford Chance US LLP

- Penetration testing and security assessments
- Incident preparedness
 - » Proactive crisis communications training
 - » Risk assessments and vulnerability audits

- The cyber defense response team and whom it should include
 - » Managing the crisis through comprehensive crisis communications
- Post-incident recovery
 - » What is the right strategy for when to notify? Does one wait until one has all the facts or does one notify as soon as possible?
 - » Reputation management
 - » Public relations and impact assessments
 - » Stakeholder communications
- The Whole Company Approach
 - » Working with an IT department to safeguard networks, data, and information
- Best practices for implementing cyber security and data protection from the start
- Working with a development team to incorporate privacy protection into all aspects of business
- Privacy engineering: Taking Privacy/Security by Design concepts and executing them in the day-to-day practices

2:05 Conference Ends - Lunch for Workshop Participants

POST-CONFERENCE WORKSHOP

Friday, October 14, 2016

3 pm to 5 pm
(separate registration required; registration opens at 2:30 pm)

B Understanding the Information Security Department's Processes to Help Companies Build a Successful Compliance Program

Lothar Determann
Member
Baker & McKenzie LLP

Ronald I. Raether, Jr.
Partner
Troutman Sanders LLP

- Understanding that a company's privacy department is as good as that company's information security program, what are some practical pointers on how companies can build an effective relationship between these two departments?
- "Translating" some of the more technical information security processes to a company's counsel without IT background

SAVE THE DATES

Cyber & Data Risk Insurance
July 28-29, 2016, New York, NY

Data Breach & Privacy Litigation and Enforcement
Sept. 29-30, 2016, New York, NY

Cyber Security & Data Privacy Protection
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See inside for details...

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