



DATA PROTECTION

Silicon Valley challenges and strategies

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Compliance with the EU General Data Protection Regulation (2016/2018)

GDPR applies to

organizations that have an “establishment” in the EU, irrespective of whether the data processing takes place in the EU or not.

organizations located outside the EU if they offer goods or services to, or monitor the behavior of, data subjects located in the EU, irrespective of their nationality and the company’s location.



Transfer of Personal Data outside of the European Economic Area

Generally prohibited unless:

“adequate” data protection is ensured

(European Commission Adequacy Decision): Switzerland, Israel, Japan, Canada (private sector), Argentina, New Zealand ...

to United States only via

- EU-US Privacy Shield
- European Commission approved Standard Contractual Clauses
- Binding Corporate Rules





"consent"

wait-and-see

tense vendor negotiations

mature companies
replace small
providers

need for
quality seal

complicated
data transfers

The Advantage of GDPR Compliance on a Global Level



GDPR-Compliant Company

Legally Required
Privacy Rights
(costly, complicated)

EU User



GDPR ✓

US User



GDPR ✗

RoW User



GDPR ✗

Actual
Privacy Rights
Provided
(advantageous)

EU User



GDPR ✓

US User



GDPR ✓

RoW User



GDPR ✓



View from **Salesforce HQ**, legal department
San Francisco, USA

New and Upcoming Privacy Laws Globally (selection)



European Union GDPR

May 2018



Colorado Data Privacy Act

September 2018



Vermont Act 171

January 2019



California Consumer Privacy Act

January 2020



Brazil LGPD

February 2020



Preparing for the California Consumer Privacy Act (2020)

CCPA will generally apply if **doing business in California** and **collecting the personal information of a California resident**.

Preparing for the California Consumer Privacy Act (2020)

CCPA applies to “businesses” that meet one or more of the following thresholds:



has annual gross revenues in excess of \$25,000,000



annually buys, receives, sells or shares personal information for commercial purposes of 50,000 or more consumers, households or devices



derives 50% or more of *annual* revenues from selling consumers’ personal information

Under the California Consumer Privacy Act

**a consumer
has the right to**

request disclosure of personal information collected,
sold or disclosed for a business purpose

request deletion of personal information

opt out of the sale of personal information

access and data portability

**a business
is obliged to**

notify a consumer of her rights

**not discriminate against a consumer
for exercising a right**

Other laws still being negotiated (selection)



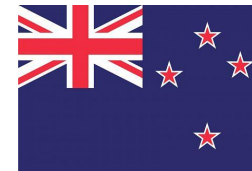
**European Union
ePrivacy**



**India Personal
Data Protection
Bill**



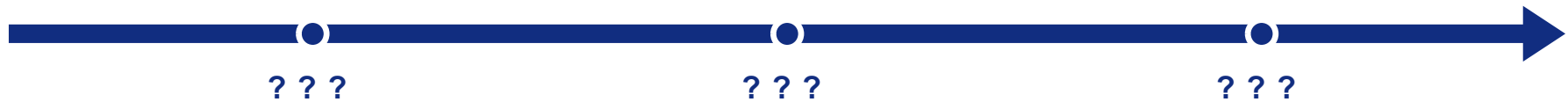
**Chile Privacy
Bill Initiative**

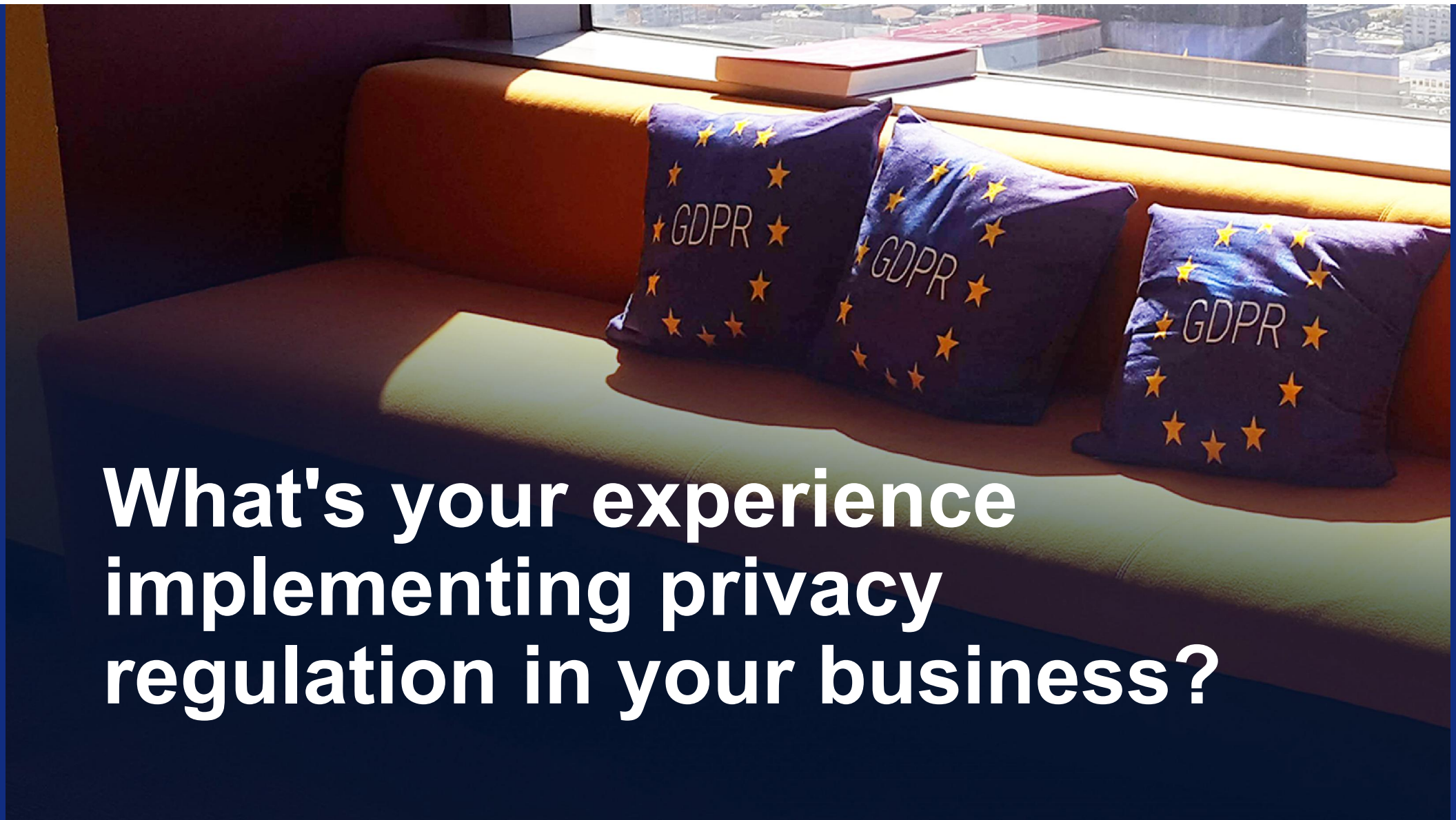


**New Zealand
Privacy Bill**



**U.S. Federal Law
Negotiations**





What's your experience implementing privacy regulation in your business?



DATA PROTECTION

Want to learn more about how to protect your users' data?
Get in touch with me at julia.reinhardt@fuchslaw.net

INNOVATION

Interested in connecting with Silicon Valley in a way tailored to
your needs? Contact me at julia.reinhardt@germaninnovators.com