



## Data Protection, Privacy and Security Credentials



Data protection is an evolving area of law which affects businesses of all sizes. There are strict rules controlling how organisations gather, store and use personal information belonging to their customers, employees and other individuals. The penalties for misusing or losing control of personal data are severe and can result in significant damage to the reputation of a business.

### How we can help

Shepherd and Wedderburn's Information Management Team acts for clients on their most critical and high risk data protection issues. This work involves providing specialist data protection input as part of wider transactions, advising on large scale data transfer projects (including transfers overseas) and advising organisations on how best to store and handle personal data.

### Our experience

#### **Strategic Advice on General Data Protection Regulation (GDPR) Compliance:**

- Providing strategic high-level advice to a retail bank on the development of a data discovery and compliance programme for the GDPR including commercial advice for the retail bank to achieve a defensible position under GDPR in a business enabling way, focussing on the personal data and processing activities which are business critical.
- Providing in-house training to a major asset manager with £129bn of funds under management on the implications for their employee processes arising from GDPR.

#### **Data Transfers:**

- Advising Pension Trustees for a large retail energy supplier on a landmark £2bn Longevity swap which involved transferring data of thousands of data subjects. Advising on and negotiating the data provision agreement ensuring that the parties complied, and continue to comply, with all aspects of all relevant data protection legislation.
- Advising a major technology company on the rules around big data transfers across the globe for its emerging cloud services.
- Advising Pensions Trustees on outsourcing and offshoring personal data abroad. This included UK and EU advice on alternatives to "safe harbour". Using our knowledge of international regimes, we have assisted many clients with assessing risks and strategies for offshoring and outsourcing arrangements.
- Acting for a public body on an outsourcing agreement with a third party, advising on the storage of personal data in a cloud computing system following the declaration by the European Courts that the safe harbour provisions could no longer be relied on.



- Advising a software company on the storage of archived data on Amazon S3 servers.

#### Information Governance and Data Security:

- Planning and implementing an information security project, in anticipation of obtaining ISO 27001 certification (NYSE listed PLC).
- Advising an NYSE listed PLC on reporting requirements, collateral consequences and damage containment for data breaches in the US, the UK and other countries.
- Advising large consumer facing organisations on collection of customer data for direct marketing purposes. Providing strategic advice which achieves a defensible position under PECR and which encourages individuals to provide their data for direct marketing purposes.
- Acting for a public body managing a worldwide data protection exercise involving over 15 jurisdictions.
- Providing an in-depth information governance and data security review for a public body focusing on data protection and freedom of information compliance issues.
- Advising a well-known drinks company on general data protection matters including the implications of the consent requirements for customers and employees both now and under the General Data Protection Regulation.

#### Regulation:

- The CMA is currently investigating the UK energy market and has proposed that retail energy companies share customer information in order to increase competition. We are acting as legal advisors to a large retail energy company helping them to navigate the complex data protection implications of the proposal.
- Advising pharmaceutical clients on sensitive data sharing and big data access/exploitation in a regulated industry.
- Advising the Open Water Programme on ownership, retention and sharing of both customer (including individuals) and commercial data, working through issues with the English water industry at workshops, providing options, solutions and drafting.

#### Key contacts

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