

# General Introduction on the Present Data Issues in the EU and the US

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# Data is everywhere and so is European data protection law

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Broad definition of personal data in the EU

Horizontal approach to data protection (as opposed to vertical segmented approach in the US)

Extra-territorial application of European data protection law

# Where do I find the European data protection laws?

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Data Protection Directive

General Data Protection Regulation

ePrivacy Directive (cookies and marketing)

Opinions, recommendations and decisions of data protection regulators  
(national)

Increasing body of case law (national and ECJ)

# Hot issues (selection)

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The GDPR itself :

- ❑ complex
- ❑ golden standard
- ❑ novel concepts (right to be forgotten, data portability, etc.)
- ❑ accountability principle
- ❑ challenging enforcement scene and substantial fines

## Hot Issues (continued)

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International Data Transfers (ECJ ruling in Schrems case; EU/US Safe Harbor Agreement; pending review of model transfer clauses and the Privacy Shield; impact on Binding Corporate Rules). Where will it end?

Data Localization Initiatives (e.g. Russia- very disruptive for global businesses)

## Hot Issues (continued)

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Tension between European data protection laws and mandatory requirements in other compliance areas (screening against terrorist lists, FCPA/UK Bribery Act compliance programs, Sarbanes Oxley hotlines for listed companies, US investigations or discovery proceedings involving EU data, etc.)

Political choices to be made in the EU (e.g. privacy versus physical security; Big Data and other forms of data combination or further use of data: good or bad?)