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## A SPECIAL CLIENT ALERT<sup>1</sup>

### Privacy in the New World Order

#### *More Turmoil: the Privacy Shield Falls*

December 4, 2020

Continuing our collaboration with Thomson Reuters, we are pleased to announce that Part IV of our “*Privacy in the New World Order*,”<sup>2</sup> series is now available for purchase.<sup>3</sup> This latest webinar – aptly titled “*More Turmoil: the Privacy Shield Falls*” - addresses just that: the continued turmoil surrounding international privacy rules (and how to comply with them) for companies, especially those in the U.S. and the U.K., that engage in data transfer with EU jurisdictions. In today’s global economy, this sweeps in just about everyone doing business abroad.

Moderated by Walt Sapronov and Joseph Srouji of our Firm, the program discusses the implications of the July 16, 2020 decision of the EU High Court of Justice of the European Union in *Schrems*, and *Facebook Ireland v. Data Protection Commissioner* (“*Schrems II*”). The EU Court of Justice found the safe harbor for U.S. compliance with EU privacy law, the so-called “Privacy Shield,” to be invalid. The Privacy Shield was a framework designed by the U.S. Commerce Department and the EU Commission for complying with data protection requirements for the cross-border transmission of personal data, largely governed by the EU General Data Protection Regulation (“GDPR”). Adding to the uncertainty now surrounding cross-border data flows is the looming impact of BREXIT and the U.S. elections. The panel of experts will discuss how to deal with

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<sup>1</sup> THIS SPECIAL CLIENT ALERT IS PROVIDED COMPLIMENTARY TO CLIENTS AND FRIENDS OF SAPRONOV & ASSOCIATES, P.C. FOR TUTORIAL PURPOSES ONLY AND IS NOT TO BE CONSTRUED AS A LEGAL OPINION OR LEGAL ADVICE. PLEASE CONTACT US AT (770) 399-9100, OR AT [INFO@WSTELECOMLAW.COM](mailto:INFO@WSTELECOMLAW.COM) IF YOU HAVE SPECIFIC QUESTIONS ABOUT THIS ALERT – OR IF YOU WISH TO BE REMOVED FROM OUR MAILING LIST.

<sup>2</sup> Parts I (“Compliance”), II (“Globalization”) and III (“The Age of Turmoil”) of this series are available upon request at [info@wstelecomlaw.com](mailto:info@wstelecomlaw.com).

<sup>3</sup> [http://westlegaledcenter.com/program\\_guide/course\\_detail.jsf?videoCourseId=100291865&ADMIN\\_PREVIEW=true](http://westlegaledcenter.com/program_guide/course_detail.jsf?videoCourseId=100291865&ADMIN_PREVIEW=true).

compliance and other data security concerns in this age of turmoil. These include Kenneth N. Rashbaum of Barton, LLP, Kim Roberts of King & Spalding, and Nicholas Oldham, Global Chief Privacy and Data Governance Officer at Equifax.

Here is a brief synopsis of the program.

## **I. Schrems II Decision (C-311/18)**

We kick off the program with an overview by Joseph Srouji of the of the *Schrems* decisions, beginning with the original 2013 Complaint to the Irish Data Protection Commission, and concluding with the European Union Court of Justice’s decision, which ended the Privacy Shield. Joseph highlights the arguments on each side, discusses the Court’s ruling and concludes with how the decision will impact consumers and the treatment of privacy information going forward.

## **II. The US Data Protection Mosaic**

Next, Ken N. Rashbaum discusses U.S. privacy compliance following the strike down of the Privacy Shield. Ken discusses how even without the safe harbor of the Privacy Shield, compliance with state privacy law and so-called “Standard Contract Clauses” can mitigate the consequences of GDPR violations.

## **III. WHAT BREXIT MEANS FOR U.K. DATA PROTECTION**

We welcome back Kim Roberts, who continues to keep us updated on the implications of Brexit and the GDPR in light of the United Kingdom’s departure from the European Union. She educates us on what to expect after the Transition Period (end of 2020), discusses the U.K.’s new national law and how this all realistically fits into day-to-day privacy practice. This session will focus on how Brexit affects the U.K.’s privacy laws, the application of the GDPR in the U.K., and how to manage data flows between the EU and the U.K., and the U.K. and the rest of the world.

## **IV. INSIGHTS FOR BUILDING A GLOBAL PRIVACY PROGRAM FROM A CHIEF PRIVACY OFFICER**

Our final speaker brings us practice pointers from the view of a Chief Privacy Officer. Nick Oldham, Global Chief Privacy and Data Governance Officer at Equifax, discusses how to merge the various privacy requirements and practically implement them into practice. Nick outlines the practical steps for implementing an in-house Global Privacy Program that encompasses legal as well as cultural and organizational concepts.

We conclude the program with a round table discussion of what might (or might not) change as a result of the recent U.S. elections. Again, this in-depth discussion can be found at [http://westlegaledcenter.com/program\\_guide/course\\_detail.jsf?videoCourseId=100291865&ADMIN\\_PREVIEW=true](http://westlegaledcenter.com/program_guide/course_detail.jsf?videoCourseId=100291865&ADMIN_PREVIEW=true). For a copy of any of our previous pod-casts in this series, please contact us at [info@wstecomlaw.com](mailto:info@wstecomlaw.com).

We take this opportunity to wish you and yours Merry Christmas, Happy Holidays, and (especially in these difficult times) a SAFE and prosperous New Year.