



OUR DATA PROTECTION AND PRIVACY SERVICES

As businesses operate in an increasingly data based environment, the imperative for all organisations to have in place systems and procedures to manage legal requirements as well as maintaining a social licence continue to grow. Also, as organisations operate in a global economy compliance with regulations is not limited to the rules of the home jurisdiction, but extent to ensuring there is compliance with the obligations of trading partners.

OVERVIEW

Our practitioners have experience in strategic planning, governance structures, compliance and dealing with regulatory investigations and breach management.

Our practice and focus covers data in many forms, including business information, big datasets and personal and sensitive information. We also work with clients across a range of technologies.

While we spend significant time advising on the Privacy Act and the Spam Act, the issues around data often crossover into competition law issues concerning commercialisation arrangements.

We also understand data involves a range of stakeholders and we often work not only with general counsel but internal executive teams including chief data officers, chief security officers, chief risk officers and the regulatory and communications executives.

INFORMATION GOVERNANCE FRAMEWORKS

We work with senior managers and boards to develop and implement information governance frameworks.

This encompasses risk management strategies and often overlaps with other areas of risk and compliance, including anti-corruption. Our primary concern is Privacy Act compliance as well as relevant international requirements so that group policies can align with all relevant jurisdictions

Implementing these frameworks includes the development of supporting policies and staff training across a range of organisational levels.

REGULATORY COMPLIANCE

We assist in drafting and implementing policies and procedures to support the governance

frameworks, and contractual review to minimise risk.

BIG DATA & DATA ANALYTICS

We assist organisations to utilise data by ensuring the elements that depersonalise it allow the data sets to fall outside of the Privacy Act and can be leveraged.

REGULATOR INVESTIGATIONS AND ENQUIRIES

Our team of expert advisors is committed to helping our clients achieve optimal outcomes. In investigations and prosecutions, we work alongside our clients to help guide their businesses through an increasingly complex regulatory landscape.

BREACH PREVENTION AND MANAGEMENT

We assist with desktop reviews of systems, reviews into complaints and risks and have documentation to assist in a swift response to new mandatory breach notification rules.

DISPUTES AND LITIGATION

We have successfully designed strategies to resolve the most complex cases and are committed to the use of alternative dispute resolution forms and techniques. When required, we can litigate in any court, are skilled in arbitration, expert determination and representing clients before commissions of inquiry and other official investigations.

GENERAL DATA PROTECTION REGULATION

We have advised a range of Australian businesses on strategies to manage compliance with GDPR including reviewing Data Transfer and Data Processing agreements and advising on internal structures to support compliance.





PRACTICAL EXPERIENCE

Holding Redlich's relevant practical experience includes:

- governance advice – structures, policies, procedures and reviewing training and documentation
- risk management and privacy impact assessments for new products and projects
- advice on product design
- compliance assistance - drafting policies and procedures, reviewing compliance documentation
- data breaches harm mitigation, stakeholder management and notification
- reviews of privacy processes
- contract drafting and negotiation to deal with privacy and data issues.
- We have significant experience in:
 - advising clients in the advertising and communications industry on the privacy implications of consumer facing campaigns
 - acting for information technology businesses which are marketing products that gather and/or utilise personal information
 - advising clients in the credit reporting sector on the detailed obligations relevant to consumer credit information
 - acting for corporate clients in ensuring compliance with their obligations in respect of employees and contractors
 - drafting privacy statements for clients and assisting with website design issues that are driven by privacy obligations
 - providing privacy compliance training to a number executive teams.
- a retail franchisor on privacy reform compliance issues for its franchisees and including an update on its communication strategy, end user loyalty program documentation, consents, notifications and business process
- a Federal government body on its privacy obligations in the context of funding requests
- a marketing services provider entering the Australian market on surveillance issues for the conduct of its business in Australia
- a professional services firm on its obligations in relation to dealing with sensitive information for the provision of statistical and other aggregated reporting, including advising on customer terms and conditions, warranties, indemnities and privacy compliance clauses
- an Australian Financial Services Licensee in relation to various new product designs
- a shopping centre manager in relation to its response to a regulator investigation into the use of its CCTV
- a health services intermediary on Privacy Act requirements in communicating sensitive patient information to third parties, including encryption and security of transmission issues
- an insurer on various privacy issues around the use of cloud providers in relation to storage of sensitive information and drafting appropriate contractual provisions to protect the insurer
- a mortgage insurer on the privacy implications of certain risk assessment products and drafting terms and conditions of use to protect the insurer and its clients
- an Australian clothing manufacturer and retailer with 30% of its business in the EU on its obligations in relation to those EU customers
- an Australian retailer in relation to the purchase of product by EU residents and the implications of monitoring sales patterns of EU residents.

We have recently advised:

- a statutory regulator in relation to the defence of alleged breaches of privacy in an appeal to the Victorian Civil and Administrative Appeals Tribunal

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