

Understanding Data Privacy and Data Protection in a '4.0' world

The Essentials, the rules in a global context, and how to manage for strategic advantage.

seminar 15 November 2018

MODERATOR QUESTIONS (moderator Mr Bob Fox)

1.

Quick idea about consent: how hard is it to be express? What shortcuts do data processors take?

What about data collection from the chip in your car which identifies the VIN then trace to registered owner? Do I give consent when I buy the car?

2.

Question on data localisation: sensitive data – medical records, currently the server must be on premises (ie no transfer to a local cloud let alone disclosure cross border), let us assume that a domestic cloud is not allowed. But the Hospital wants to use its outsourced partner to run a medical report. What's the answer, only anonymization / de-personalisation?

3.

Can I get access to my records? What if I see an error? Can I correct it? Can I get it taken down? What about the profile the service provider has done? Can I see that, can I take it down? K Siranya and Dan?

What does a champion of Privacy offer? - Kari?

4.

Typical reaction to the then new PDPA in Singapore from banks was that collecting, using, disclosing was essential to develop the products that you use, so you can't not consent to the privacy terms if you want to be our customer. Coerced disclosure?

Contracts of adhesion ('take it or leave it')? - will companies take a unreasonable approach ? – is there any limit and how does it work?

5.

Companies' Representatives – foreign business has to appoint a local representative (s. 36(5) PDPA). How prepared is the local business community for appointing Representatives in the EU (GDPR Art. 27),

6.

Cross border – will this be complicated? Are the tests difficult? Let us look at Thailand, disclosing data (which is subject to GDPR) cross border from Thailand to Cambodia? Is the GDPR Cross Border rule relevant? Would the Thai CBR always be relevant?-

7.

A Thailand issued credit card – User is in Europe. The acquiring bank which operates the POS is subject to GDPR, that bank transfers the data to the Thai bank.

Is the TH bank bound by GDPR? Consider the full transaction record when billed in THB.

8.

What is the profile of the ideal PDPC? (Commission or Committee). Chapter 1, s.8 What will it need to do? Should we ask for a programme of education, training etc?

ROLE PLAY

We have just heard that Thai Pop Queen Pornthip – her Facebook postings shared to a close user group were picked up by Mega Marketing (a global profiling and marketing company based in Milan), which profiles High Net Worth public figures. K Surinya you are hired as her lawyer. What's your claim? Under GDPR ? Under TH law?

Dan – you are Mega Marketing's General Counsel. What happened here?

Kari – it turns out that the data travelled mainly via operator's networks owned by NORWORLD. You are NORWORLD's Govt Affairs Director. Did you allow access? Pornthip alleges intentional leakage.

Next it turns out that Mega Marketing provided the data for profiling, to its outsourced partner NightTimeAnalytics in Maurenesia, which is known as the Liberia of Data Privacy and has failed EU Data Adequacy assessments. K Siranya -- is NightTime the Processor? What responsibility under future TH law?

Dan – would you defend NightTime?

The Washington Post has picked up that NORWORLD's policy on 'content ignorance' / 'content neutrality' is irresponsible. Kari how do you deal with this?

There is a settlement: Pornthip (and her lawyer) are compensated, Mega's General Counsel's pay is reviewed and NORWORLD is revising its PR.