

Respecting GDPR: a commercial argument

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Cernobbio, 15 June 2019

TOPICS

- ☐ Commercial value of protecting personal data.
- ☐ Reputation is linked to a proper protection of data.
- ☐ How to increase the value of the Company by Data Governance.

Over \$119bn wiped off Facebook's market cap after growth shock

Shares crash as social network admits user growth fell after Cambridge Analytica breach

Source: The Guardian

HISTORICAL FB PRICES

high: 209.94 close: 181.06

week of May 22, 2017 - week of May 20, 2019



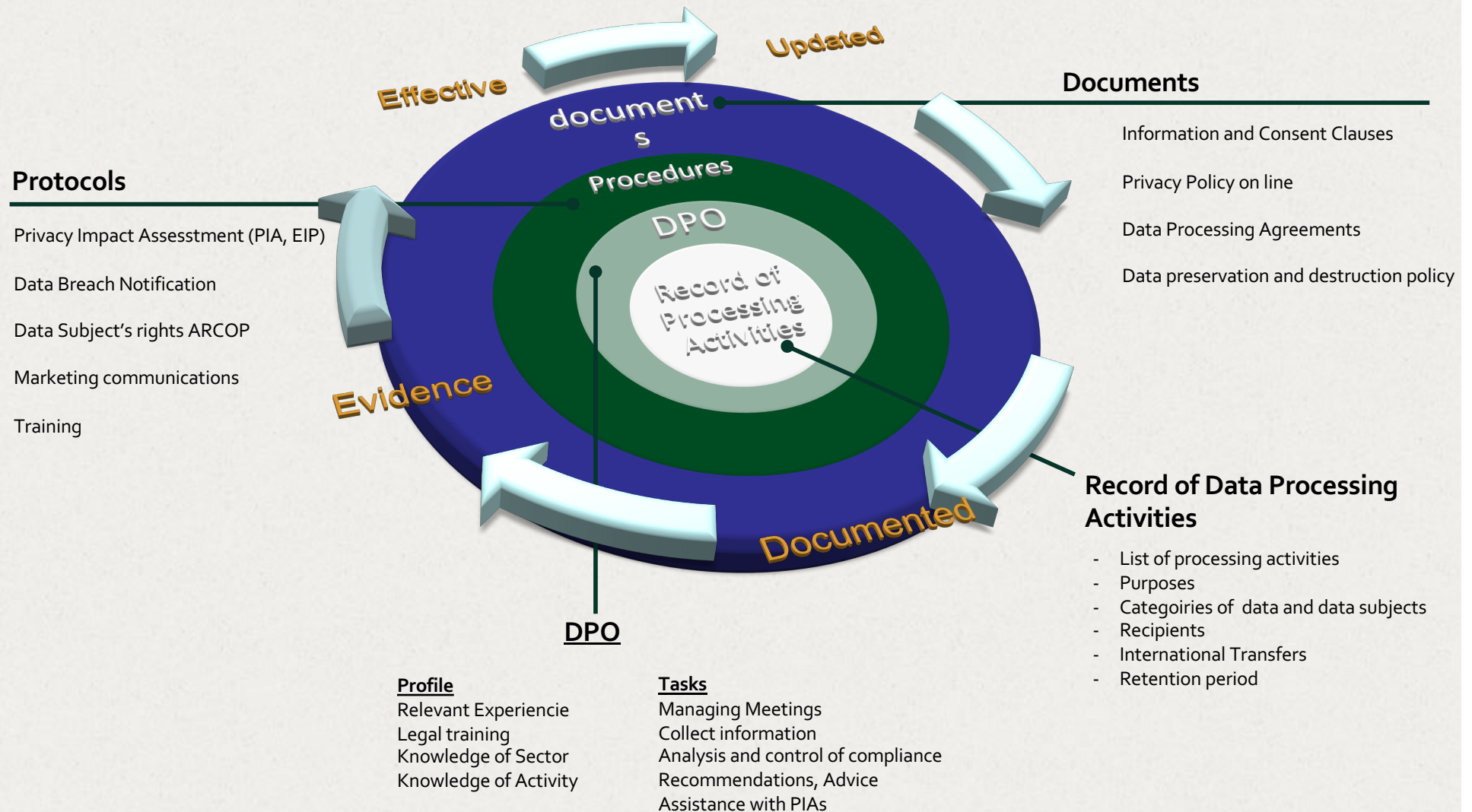
Source: investorplace.com

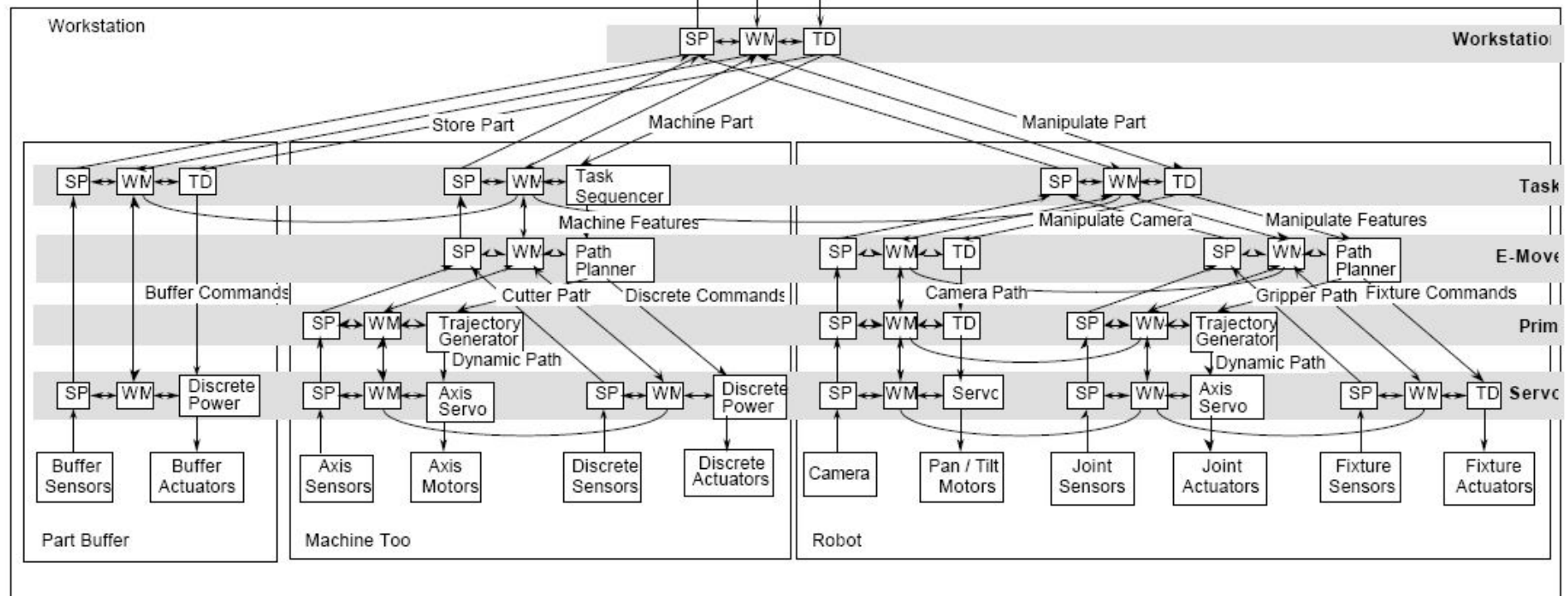
Franchisor loses goodwill when franchisee turned to other brand

Franchisor never cared about the property of the consumers's data

Source: Real case

Data Governance: from data as a risk to data as an asset





Data Governance

Definition, Objectives and Requisites

- ❑ What is DG? Data management mechanisms in a safe, secure, efficient and profitable way.
- ❑ Objective: taking control on the evaluation, management, use, refinement and exploitation of the data.
- ❑ Requisites: organizing the knowledge of the information in the framework of the organization.





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Data Governance

From data as a risk to data as an asset

	Data as a risk	Data as an asset
Function	Implementation of measures and compliance with regulatory systems (RGPD)	
Purpose	Management and control of data	
DPO	Control and supervision of operational departments	



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Data Governance

From data as a risk to data as an asset

	Data as a risk	Data as an asset
Function	Implementation of measures and compliance with regulatory systems (RGPD)	Capacity to exploit data in a secure manner
Purpose	Management and control of data	Obtaining income
DPO	Control and supervision of operational departments	CDO Operational department

Data Governance

From data as a risk to data as an asset

Needs:

- ✓ People
- ✓ Processes / procedures
- ✓ Technology
- ✓ Legal certainty



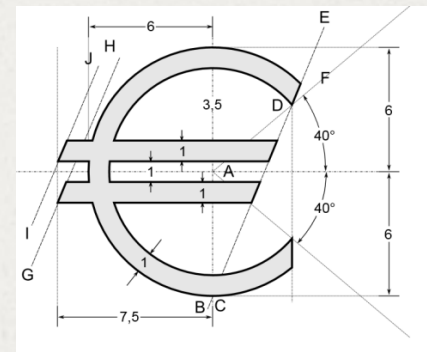
Previous step for:

- ✓ Big Data
- ✓ Analytics
- ✓ Asset based transactions



Implies:

- ✓ Strategic decision
- ✓ Leadership: responsibility at the highest strategic level
- ✓ New profile: manager of a sensitive asset



How to “monetize” this value?

☐ Big Data / Analytics

- ☐ Improve internal value of the data
 - ☐ Learn how to sell more to existing customers
 - ☐ Learn how your customers buy so you can get more customers
- ☐ Cash on the business intelligence

☐ Public communication

- ☐ Show the market that you care about privacy.
- ☐ Prove that you are coherent

☐ Sector wide codes of conduct or certifications

- ☐ Plan a sector wide code of conduct
- ☐ Liaise with authorities (national authorities / EDPB)

How to “monetize” this value?

- ❑ Jurisdictional differences:

- ❑ EU: Personal data as a fundamental right (GDPR).

- ❑ Business position: make sure you have the data

- ❑ Franchisor / Franchisee

- ❑ Manufacturer / Distributor



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Thank you very much!

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Experience:

Partner in the Private Law Department of the Madrid office of Garrigues where he heads the IT, data protection and e-commerce practice. He has extensive experience in telecommunications law, new technologies and data protection matters, from a Spanish and international standpoint. In his career he has built up a solid hands-on expertise on technology applied to several sectors, with a view from the commercial and corporate, privacy and litigation sides.

He has advised on compliance and data protection matters in transactions for the launch of several mobile virtual network operators (MVNOs) and has advised clients in a range of sectors on data protection, in both implementation, review and audit processes and in infringement proceedings. He has broad expertise in contracts pertaining to e-commerce, software, digital content and new technologies, at both domestic and international level, tackling issues such as market places, e-learning, e-health, fintech, etc.

Prior to joining Garrigues in 2008, he pursued his career as an in-house lawyer for more than 12 years, 8 of which were spent as head of the legal affairs department of cable operator R, where he took part in project finance transactions, headed the compliance area and participated in the design and structuring of new products and services relating to new technologies, e-commerce or convergence, representing the company at various industry associations.

Member of the Santiago de Compostela bar association and Secretary of the Association of Friends of Russia in Spain.

Academic background:

Degree in Law, Universidad de Santiago de Compostela (1993). Postgraduate degree as Expert in the European Union, Universidad de La Coruña (1994-95), with thesis on state aid to companies and antitrust law. Master's Degree in Management of ICT firms, Escuela de Negocios Caixanova (2004-2005). Lecturer in commercial law and in telecommunications law, new technologies and data protection at the School of Legal Practice on the Master's Degree in Legal Practice at Universidad de Santiago de Compostela. Associate Professor of Information Technologies and Data Protection at the Masters in Legal Practice at ICADE. Regular speaker in different forums on various legal matters concerning his areas of expertise.