Data Protection
Ireland

‘The Irish Data Protection Act applies to all data controllers established in Ireland’.

Keeping abreast of the regulation and requirements is essential to everybody conducting business in Ireland. You will discover:

• How to comply with Data Protection Acts
• What every Data Controller needs to know
• How to deal with data subject access requests
• New security requirements
• Data protection in direct marketing & e-commerce
• Transfer of personal information out of the EEA – implementing the new regulations
• Interface between EU & US data protection law

Organised by:

an informa business

Freedom of Information
Ireland

‘Under the Freedom of Information Act, any person can request any record held by a public body’.

Do you know exactly how this impacts your organisation and what you have to deliver to meet existing regulation and requests? This seminar delivers:

• Review of the FOI Act & recent requests
• FOI & legal professional privilege
• Understanding the provisions of the FOI Act
• The process of enforcement & appeals
• Freedom of information from a litigation perspective
• Confidential & commercially sensitive information
• FOI & other information entitlements

Hear from the Commissioner:

Tony Delaney
Assistant Commissioner (Investigations)
OFFICE OF THE DATA PROTECTION COMMISSIONER

Paul Lavery
Partner
McCANN FITZGERALD

Niall Michel
Partner in the Public and Administrative Law
MASON HAYES & CURRAN

Hear from the Commissioner:

Justin Scanlan
Senior Consultant, IT Advisory Practice
PRICEWATERHOUSECOOPERS

Sean Garvey
Senior Investigator
OFFICE OF THE INFORMATION COMMISSIONER

Including expert presentations from:

Peter Oakes
Partner
COMPLIANCE IRELAND

Robert McDonagh
Solicitor
MASON HAYES & CURRAN

Don McAleese
Partner, Head of Information Technology Unit
MATHESON ORMSBY PRENTICE

Aidan Connaughton
Partner
GRANT THORNTON

Annette Orange
Associate
McCANN FITZGERALD

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Book your place by 2 February 2007
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Wednesday 14 March 2007
Hilton Dublin

Thursday 15 March 2007
Hilton Dublin

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**Wednesday 14 March 2007**

**09.00** Registration & Coffee

**09.30** Chair’s Welcome & Opening Remarks

Aidan Connaughton
Partner

GRANT THORNTON
Aidan is a partner in our Dublin office. Aidan is a Fellow of the Institute of Chartered Accountants in Ireland and qualified in 1979. Whilst training he worked in the United States in the internal audit department of a public limited company. After qualifying he worked with PwC Marwick Mitchell in South Africa as a Senior Audit Manager with a wide range of international clients. In 1982 Aidan returned to Ireland and joined John Woods Chartered Accountants (now merged with Grant Thornton) as an Audit Partner responsible for some of the largest privately owned companies in Ireland. Aidan’s client portfolio covers a wide range of areas including manufacturing, retailing and wholesale distribution. He has extensive computer audit experience, including international operations. Aidan is a member of the European Lotus LotusNotes Users Group. Aidan is married with four children and resides in Dublin.

**10.10** The Basics – What Every Data Controller Needs to Know

- Registration requirements
- Data subjects rights requests
- Monitoring employee email & Internet use
- Website privacy policies
- Requirements for employing data processors
- Compliance with fair processing rules
- Compliance with consent requirements in particular
- Enforcement powers of the DP Commissioner
- Enforcement: some cases from the Commissioner’s files

Peter Oakes
Partner

COMPLIANCE IRELAND
Peter Oakes qualified as a Solicitor in 1997 and is admitted in Ireland, UK and Australia. Peter has 15 years of international corporate law and financial services regulation experience and has worked with major international regulators. Peter founded Compliance Ireland & Anti-Money Laundering Consultancy Services in 2004. He provides regulatory consulting and training services to IFAs, banks, insurer and financial advisors in Ireland and the UK.

**11.20** New Security Requirements

- Legal overview of the new security requirements by contrast with the existing requirements under the Data Protection Act 1998
- Legal obligations of data controllers who use data processors
- What do “appropriate security measures” entail?
- Network and information security – some practical considerations
- Overview of the current “state of technological development”
- How to determine what levels of security are “appropriate”

Don McAleese
Partner, Head of Information Technology Unit

MATHESON ORMSBY PRENTICE
Don McAleese is Partner and Head of the Information Technology Law Group in Matheson Ormsby Prentice Solicitors, where he specialises in contracts for the acquisition of computer systems; software licensing; data protection; electronic commerce and internet law. He is Chairman of the Irish Internet Association Legal Working Group, and a member of the European Commission Legal Advisory Board on the Information Market. He was a member of the Legal Issues Advisory Group of the Irish Information Society Commission, and was formerly chairman of the Electronic Commerce Association of Ireland Legal Sub-Group.

**12.10** Lunch

**13.20** Dealing with Data Subject Access Requests

Paul Lawery
Partner

MCCANN FITZGERALD
Admitted: 1996. Education: University College Dublin (BCL,LLM). Paul is a partner in the firm’s Corporate Department and is a member of the firm’s Information Technology & E-Commerce Group. Paul advises on a wide range of information technology, intellectual property, freedom of information, data protection and confidentiality issues. He writes and lectures widely on these and other topics.

**14.00** Data Protection in Direct Marketing & E-Commerce

- The 1997 and 2002 Directives
- The E-Commerce Directive and Data Protection
- ISP and Teleco Obligations
- Direct marketing issues: – consent – marketing lists – public registers – Spam, cookies, e mail

Richard Hammond
Consultant

REDDY CHARLTON McKNIGHT
Richard holds B.C.L., LL.B. and LL.M. degrees from University College Cork and a Diploma in Arbitration from University College Dublin. He is a Member of the Chartered Institute of Arbitrators and a European Trademark & Design Attorney. Richard is a consultant to the Law Society’s Professional Practice course in business law, and contributed the chapter on Data Protection to Environmental Law published in 2003. He is also undertaking academic research in the area of medical law. Richard is a former President of the Union of Students in Ireland and a former member of both the Higher Education Authority and the National Qualifications Authority of Ireland. Richard practices primarily in business law in the areas of insolvency and intellectual property and also in our private client team where he has a particular interest in wills, estate planning, and enduring powers of attorney.

**14.40** Coffee Break

**15.10** The Transfer of Personal Information out of the EEA – Implementing the New Regulations

- Do you transfer personal data outside the EEA?
- Are you in compliance with the regulations?
- Is the personal data which you transfer adequately protected in the recipient country?
- The EU White List
- Safe Harbour
- Complying with the Regulations
- Binding Corporate Rules
- Data exporting & how to comply

Andreas Carney
Associate

A&L GOODBODY SOLICITORS

**15.50** Interface between EU & US Data Protection Law

- Overview of US data protection law
- Security breaches – US vs. EU approach
- SOX, whistle blowing schemes and EU law
- Implications for domestic and international outsourcing

Robert McDonagh
Solicitor

MASON HAYES & CURRAN
Robert is a solicitor in the commercial department of Mason Hayes & Curran who specialises in US law, outsourcing and data protection. Robert tutors information technology law on the Law Society of Ireland Professional Practice course and also is a guest lecturer on the Law Society of Ireland’s Diploma in Commercial Law as well as its Diploma in E-Commerce Law.

**16.30** Close of Seminar

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**Data Protection**

Justin Scanlan
Senior Consultant, IT Advisory Practice

PRICEWATERHOUSECOOPERS
Justin has over 10 years professional experience focusing on the provision of IT Consultancy services where he has assisted many clients in addressing their Data Protection obligations and requirements. Justin has previously advised major government departments, the European Parliament and a number of large private institutions in relation to their information management requirements.
**Freedom of Information**

Thursday 15 March 2007

09.00 Registration & Coffee

09.30 Chairman’s Welcome & Opening Remarks
Patrick McGovern
Partner
ARTHUR COX

09.40 **Keynote Address**

**Review of the FOI Act & Recent Requests**

Sean Garvey
Senior Investigator
OFFICE OF THE INFORMATION COMMISSIONER

Sean Garvey is a Senior Investigator in the Office of the Information Commissioners currently with responsibility for overseeing the Office’s processing of applications for review from all FOI public bodies bar those in the health sector. He has extensive prior FOI experience from his service in the FOI Central Policy Unit in the Department of Finance.

10.20 **Understanding the Provisions of the Freedom of Information Act**

- **An analysis of the background of the Act**
- **Understanding the general provisions of the Act:**
  - principal features
  - information to which the act applies
  - the rights it affords:
    - (i) rights of access
    - (ii) the right to reasons for decision
  - fees chargeable
  - exemptions
  - review procedures
  - publications required

Speaker under invitation

11.00 Morning Coffee

11.30 **The Process of Enforcement & Appeals**

- What happens if things go wrong?

Annette Orange
Associate
McCANN FITZGERALD

Admitted 2002. Education: Queen’s University Belfast (LLB, LLM). Annette worked as Knowledge Officer in the Attorney General’s Office between 1998 and 2000. She spent her training period with E. Tragín & Brett, Belfast (with whom McCann FitzGerald formed the North South Legal Alliance in 1999) before joining McCann FitGerald in September 2002. Annette practices in the firm’s Corporate Department and she is a member of our
Information Technology & E-Commerce Group. Annette has a masters degree in information technology law and specializes in information technology, data protection, freedom of information and confidentiality issues. Annette writes and lectures widely on these and other issues and had an article on Irish Data Protection Law published in a recent edition of “Data Protection Law and Policy”.

12.10 Lunch

13.20 **Freedom of Information & Legal Professional Privilege**

- Can privilege be maintained under FOI?
- What types of communications qualify as privileged?
- What if the communications do not involve the public body?
- Can the very fact of the communications taking place be withheld?
- Must the access request be refused?
- Exceptions to/loss of privilege

Niall Michel
Partner in the Public and Administrative Law
MASON HAYES & CURRAN

Niall Michel is a graduate of Trinity College, Dublin and Cambridge University. Formerly qualified as a barrister, he is now a partner in the Public and Administrative Law unit of Mason Hayes & Curran Solicitors. He specializes in advising Irish public and regulatory bodies and others in administrative and public law matters, including judicial review and freedom of information. His practice also encompasses advising in relation to information access matters generally (including ones involving data protection, confidence, privacy and privilege issues) and on procedural matters, including public procurement. He has spoken and written widely on the topic of freedom of information and has also guided public authorities in Northern Ireland on the U.K Freedom of Information Act, 2000. He has been involved in all appeals to the Superior Courts under the Freedom of Information Acts to date – in some of which he has acted as a solicitor-advocate on protection, freedom of information and confidentiality issues.

14.00 **FOI & Other Information Entitlements**

- FOI Amendment Act 2003
- FOI and the effect of other legislation
- Publications under the Act – Section 15 and 16 booklets

Patrick McGovern
Partner
ARTHUR COX

Patrick has a broad based commercial practice with particular expertise in Telecommunications/Electronic Communications, Broadcasting, Media, Technology, Energy and Regulated Industries and Public Law. He leads both the Telecommunications/Electronic Communications & Broadcasting Group and the Utilities, Energy & Resources Group. Patrick also advises on Public Procurement issues and has extensive experience in Private Finance Initiative (PFI)/Public Private Partnership (PPP). Prior to joining Arthur Cox, Patrick was Deputy General Counsel to Ireland’s largest public telecommunications operator for a number of years. Patrick has lectured extensively in all these areas and contributes regularly to specialist publications. He is the author of considerable published work in the area of Telecommunications, Broadcasting and Data Protection, including:
- the Ireland chapter in the “Encyclopaedia of European Telecommunication Laws”, Sweet & Maxwell, London, 2000 (updated);
- Irish National Report to FIDE Congress, Helsinki, 2000, on “Networks” in Telecoms and Energy (published); and
- the Ireland chapter in “Getting the Deal Through – Telecommunications” covering 50 jurisdictions worldwide (Global Competition Review).

14.40 Coffee Break

15.10 **Confidential & Commercially Sensitive Information: Can Third Parties Impose Limitations on Disclosure by Public Bodies?**

- Section 29 Submissions
- How to deal with third parties
- Tenderers rights

Paul Lavery
Partner
McCANN FITZGERALD

Admitted: 1996. Education: University College Dublin (BCL,LLM). Paul is a partner in the firm’s Corporate Department and is a member of the firm’s Information Technology & E-Commerce Group. Paul advises on a wide range of information technology, intellectual property, freedom of information, data protection and confidentiality issues. He writes and lectures widely on these and other topics. Paul is the author of Commercial Secrets: The Action for Breach of Confidence in Ireland (Round Hall Sweet & Maxwell, 1996).

15.40 **Freedom of Information from a Litigation Perspective**

- The ways in which the Freedom of Information Act 1997 can be used as a litigation tool
- Does the Freedom of Information Act 1997 supplement or supplant discovery?
- The advantages/disadvantages in using FOI as an alternative to discovery
- Sample case studies

Hazel McElwain
Associate
MATHESON ORMSBY PRENTICE

Hazel McElwain obtained a Law degree from Trinity College, Dublin and a Masters Degree in Law from The London School Economics and Political Science. Hazel has also obtained a Diploma in Arbitration from University College Dublin. She qualified as a Solicitor in 2000. Hazel is an Associate in the Litigation and Dispute Resolution Department of Matheson Ormsby Prentice Solicitors. She practices mainly in the area of public law with a particular emphasis on advising clients in relation to a number of Tribunals, Inquiries and Investigations that have been set up in the State in recent years. She also advises in the area of Freedom of Information, acting on behalf of both requestors and public body clients.

16.30 Close of Seminar
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