



Privacy in Transactions: Common Challenges and Practical Solutions

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Agenda

- Overview and Perspective
- Defining Parties' Roles
- The Privacy Expert's Role in the Negotiation Process
- DPA Terms
- Data Use Rights
- Security
- Privacy Rights Requests
- Indemnification and Limitation of Liability

Defining Parties' Roles

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Do I always have to be either a processor or controller and does that need to be specified in the agreement?

If I include or agree to data use limitations in my agreement, have I established a controller-processor model?

What terms do I need for a controller-to-controller agreement?

Privacy in the Negotiation Process

The Privacy Expert's Role in the Negotiation Process

When do
privacy
teams get
involved?

How are
privacy
teams
advising on
risks
related to
privacy
terms?

When are
privacy
teams
escalating
issues to
leadership?

Poll Question #1



DPA Terms

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Do I *really* need a DPA?



When does a DPA need bespoke definitions and terms?



Are there states requirements that require specific DPA terms?



What are practical ways to address documents that are incorporated by links?

Data Use Rights

Data Use Rights

1

How are company's treating data "ownership"?

3

Does a company's agreement need to treat data like other IP?

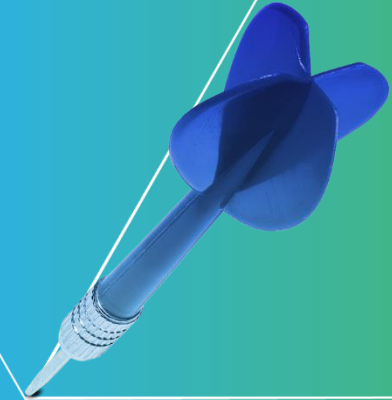
2

What data rights issues are business issues rather than legal issues?

4

Should a company allow data to be used for "product improvement"?

Poll Question #2



Security

Security

How much security does a company need to include in data sale agreements?

How does a company resolve issues when the security teams don't agree?

Privacy Rights Requests

Privacy Rights Requests



How does a company handle deletion and access mechanisms?



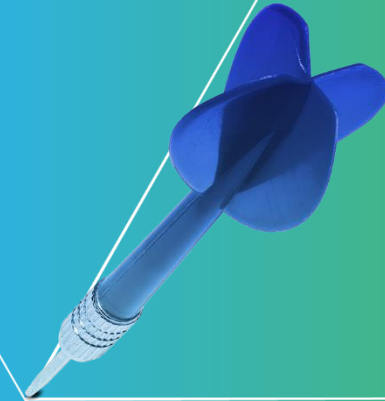
How does a company handle opt-out requests?

Indemnification and Limitations of Liability

Indemnification and Limits on Liability



Poll Question #3




THANK YOU!



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