

Wednesday, September 30 (all times EDT)**12:00 — 12:15 Welcome & overview***(Meal, Weinlein)***12:15 — 1:30 [Session 1] Biometric privacy laws***(Baxter-Kauf, Evers, Nolan, Ray*, Ritvo, Sullivan)*

In the past decade, the use of biometric data has increased exponentially. Biometric data presents a unique intersection of security protection and privacy risk. For example, while biometric identifiers provide enhanced and efficient authentication protections, their almost complete inalterability also increases the potential for harm if misused or compromised. Further, while the use of biometric identifiers may enhance the ability of government to police criminal activity, such use also gives rise to privacy considerations. A panel of WG11 brainstorming group members will lead a dialogue with all attendees on their outline, which addresses whether, in order to guide the development of biometric privacy laws, it is desirable or necessary to have a set of uniform principles in the context of both the private and public collection and use of biometric data, and whether it is even possible to consider one without the other. The outline also addresses which principles or aspects of a biometric privacy law should be considered by a future drafting team with a view to developing a recommended approach on those particular points.

Required Materials:

- 1.1 The Sedona Conference WG11 Brainstorming Group Outline - Biometric Privacy Laws (September 2020)

1:30 — 1:45 Break**1:45 — 2:45 [Session 2] Privacy and data security litigation update***(Cohen, Solomon, Weaver, Withers*)*

The panel will lead a dialogue on some of the most important privacy and data security actions since this session was last held in September 2019. We will cover not only the most significant court decisions of the past year, but also court filings that raise novel claims and defenses (even if the cases themselves are pending or have settled) and significant regulatory actions, with the goal of bringing WG11 members up-to-the-minute on where the case law currently is – and more importantly, where it could be heading in the future.

Required Materials:

- 2.1 Privacy and Data Security Litigation: 2020 Update

Wednesday, September 30 (Cont.) (all times EDT)

2:45 — 3:00 Break**3:00 — 4:15 [Session 3] Key privacy and data security considerations in cyber insurance**
([Doroff](#), [Phillips](#), [Pruzinsky](#), [Saikali*](#), [St. Clair](#))

As companies develop and adopt new and emerging technology, they face challenges regarding the way the technology collects, uses, shares, and stores personal information. These challenges have given rise to new questions of coverage under cyber liability insurance policies. This panel of cyber insurance executives, providers, and counsel will facilitate a dialogue that will address:

- Legal issues relating to the scope of first and third-party coverage for privacy and data security incidents, including the insurability of regulatory fines and penalties
- Coverage issues relating to new and emerging technology
- The potential impact of developments relating to ransomware that will impact insurability of ransomware events in the future
- Necessary changes to the underwriting process to sufficiently identify and insure applicants' risks
- Traps for the unwary - how every company should be thinking about acquiring and using their cyber liability insurance policies

A primary goal of the panel is to identify issues that may be appropriate for a formal commentary by WG11.

Recommended Materials:

- 3.1 The Sedona Conference *Incident Response Guide*
- 3.2 Akhil Chopra and Elissa Doroff, *Ransomware Amidst a Pandemic: Potential for Catastrophic Loss If Stringent Cybersecurity Protocols Are Not Followed*

Thursday, October 1 (all times EDT)

12:00 — 1:30 [Session 4] A dialogue with global data protection authorities

([Filip](#), [McEvoy](#), [Sauer](#), [Schröder](#), [White](#))*

Global data protection authorities will lead a dialogue on their respective enforcement priorities and advisory roles under global data protection regimes and their views on the most important legal issues and questions awaiting resolution under the data protection regulatory regimes they administer and under international data protection law generally. Topics will include the impact of Schrems II and the global COVID-19 pandemic on data security and protection. The panel will also discuss other emerging data protection trends and regulations, cooperation and collaboration among and between different DPAs, and the potential convergence of global data protection laws.

Required Materials:

- 4.1 European Data Protection Board (EDPB) Frequently Asked Questions on the judgment of the Court of Justice of the European Union in Case C-311/18 - Data Protection Commissioner v Facebook Ireland Ltd and Maximillian Schrems

Recommended Materials:

- 4.2 Christian Schröder, Shannon Yavorsky, Dennis Schmidt, and Yumiko Olsen, *German Supervisory Authority Publishes First Substantive Guidance on International Data Transfers in the Post Schrems 2.0 Era*

1:30 — 1:45 Break

1:45 — 2:30 [Session 5] WG11 town hall

([Drum](#), [Jorgensen](#), [Meal](#), [Moncure](#), [Pizzirusso](#), [Promislow](#), [Riemann](#), [Saikali](#), [Vibbert](#))*

WG11 Steering Committee members will lead a dialogue amongst the WG11 members in attendance on progress made on the work product of the Working Group, and by the Working Group as a whole. WG11 member input will be sought regarding the future direction of WG11, including ideas for existing and new commentaries and projects.

Thursday, October 1 (Cont.) (all times EDT)

2:30 — 2:45 Break**2:45 — 4:15 [Session 6] Model data breach notification law***([Ghali](#), [Keller](#), [Kriger](#), [Meade*](#), [Promislow](#), [Tully](#))*

A panel of WG11 drafting team members will lead a dialogue with all attendees on the latest draft of their Commentary to guide the development of data breach notification laws. Drawing upon best practices in data privacy and incident response, the draft Commentary describes how data breach notification laws should address different aspects of data breach notification, including what constitutes a notifiable breach, what methods of notification should be permissible, and whether there should be timelines for notification. The session will begin with the panel providing an overview of the latest draft and key aspects of the draft in need of member feedback. Attendees will then be placed into breakout groups to allow for more fulsome dialogue on those key aspects of the draft. The plenary session will then be reconvened, with each breakout group providing a brief report to the plenary group, to be followed by any additional dialogue amongst the plenary group on the content of the report-outs or other aspects of the outline.

Required Materials:

- 6.1 The Sedona Conference Draft Commentary on Proposed Model Data Breach Notification Law (September 2020) – Clean Version
- 6.2 The Sedona Conference Draft Commentary on Proposed Model Data Breach Notification Law (September 2020) – Redline Version