

Wednesday, September 18

7:45 — 8:45 **Breakfast & Sign-In**

8:45 — 9:00 **Welcome & Overview**  
([Meal](#), [Moncure](#), [Weinlein](#))

9:00 — 10:15 **[Session 1] Proactive privacy and security governance: Complying with global data privacy and security regulations**  
([Cronin](#), [Kemnitz](#), [Matus](#), [Sorrell\\*](#), [Vibbert](#), [Xu](#))

A panel of WG11 brainstorming group members will lead a dialogue with all WG11 members in attendance on their outline on the topic. In light of the ever-increasing number of privacy and data security laws being enacted and updated, including data localization laws, the brainstorming group has been exploring the complex decisions global companies face regarding privacy and data security compliance and considering approaches to global compliance, and whether work product on this topic – and in what form – would be useful to practitioners.

**Required Materials:**

- 1.1 The Sedona Conference WG11 Brainstorming Group Outline - Proactive Privacy and Security Governance: Complying with Global Data Privacy and Security Laws and Regulations (Sept. 2019)

10:15 — 10:30 **Morning Break**

10:30 — 11:30 **[Session 2] The California Consumer Privacy Act (CCPA): Defining and measuring statutory damages under U.S. privacy laws**  
([Bailey](#), [Keller](#), [Lucking](#), [Pizzirusso\\*](#), [Wilan](#))

A panel of WG11 brainstorming group members will lead a dialogue on their outline which addresses two discrete issues in the CCPA that also arise in other privacy and data security laws: (1) whether a consumer must show actual harm in addition to a mere technical violation of the statute before the state Attorney General or consumer can sue under the statute, and (2) how a “violation” of a privacy or security regulation should be calculated. The dialogue will address these issues within the context of the CCPA and other privacy and security regulations.

**Required Materials:**

- 2.1 The Sedona Conference WG11 Brainstorming Group Outline - The California Consumer Privacy Act (CCPA): Defining and measuring statutory damages under U.S. privacy laws (Sept. 2019)

**Recommended Materials:**

- 2.2 Preliminary Analysis of Calculation of the Number of Violations under State Consumer Protection Acts

Wednesday, September 18 (Cont.)

11:30 — 12:45 [Session 3] Data security and privacy case law update  
([\*Brady\*](#), [\*Meal\\*\*](#), [\*Pizzirusso\*](#), [\*Shonka\*](#))

The panel will lead a dialogue on some of the most important cases thus far in 2019 in the privacy and data security arena. The panel will cover recent actions and rulings from both the private litigation realm and the regulatory enforcement area, with the goal being to bring WG11 members up to the minute on where the case law currently is at, and more importantly, where it could be heading in the future.

**Recommended Materials:**

- 3.1 Data Security and Privacy Case Law Update – Selected Cases (Sept. 2019)

12:45 — 2:00 Lunch

2:00 — 3:30 [Session 4] Government agency roundtable  
([\*Bailey\*](#), [\*Kruger\*](#), [\*Murphy\*](#), [\*Shonka\\*\*](#))

The dialogue leaders will address a range of topics, including recent enforcement regulations and actions, the current focus of agencies, inter-agency coordination, and proposed regulations. The dialogue will also address the interaction between government agencies and corporations regarding current data security and privacy best practices, as well as how companies may permissibly collect, use, share, and dispose of personal and sensitive data.

**Recommended Materials:**

- 4.1 Preliminary Analysis of Calculation of the Number of Violations under State Consumer Protection Acts  
4.2 Ryan Kriger, *Regulators Should Rethink 'Reasonable Data Security'*, Law360 (April 8, 2019)

3:30 — 3:45 Afternoon Break

Wednesday, September 18 (Cont.)

3:45 — 5:00 [Session 5] Examining proposals for data transfers outside of Canada

(*Promislow, Reynolds, Withers\**)

The dialogue leaders will examine Canada's newly released Digital Charter and related reform proposals under The Personal Information Protection and Electronic Documents Act (PIPEDA) as they relate to companies' ability to transfer data out of Canada. The panel will discuss the reasons for Canada's reevaluation of its data transfer scheme and how companies may handle different mechanisms for transfer, including consent. Dialogue leaders will evaluate whether consent and other suggestions for transfer adequately address the privacy concerns meant to be addressed by reform proposals, and the possible effect of the proposals on day-to-day law firm and legal service provider operations, with reference to the current WG7 (Sedona Canada) member comment draft on law firm privacy and security.

**Required Materials:**

- 5.1 "Examining proposals for data transfers outside of Canada" Session: Hypothetical and Resources
- 5.2 The Sedona Conference Draft Commentary on Privacy and Information Security for Legal Service Providers (Sept. 2019)

5:00 — 7:00 Reception (guests invited)

## Thursday, September 19

**8:15 — 9:15 Breakfast & Sign-In****9:15 — 10:30 [Session 6] Artificial Intelligence (AI) model transparency: Core principles in promoting transparency of AI and algorithms***(Ackert\*, Baron, Jorgensen, Mahoney)*

A panel of WG11 drafting team members will lead a dialogue on their draft Commentary regarding what it means to have an “explainable” AI system – in other words, a complete and understandable explanation of how a decision was or will be reached by an AI system and the algorithms that comprise it can be provided. Of particular concern is how personal information is processed using such technology. The draft Commentary includes foundational design principles that should be incorporated into legal standards governing AI transparency.

**Required Materials:**

- 6.1 The Sedona Conference Draft Commentary on AI Transparency (Sept. 2019)

**10:30 — 10:45 Morning Break****10:45 — 12:00 [Session 7] Model data breach notification principles***(Ghali, Kim, Kriger, Meade\*, Promislow)*

A panel of WG11 drafting team members will lead a dialogue with all members in attendance on a draft Commentary with principles that is being developed to guide the development of data breach notification laws. Drawing upon best practices in data privacy and incident response, the Commentary and principles will describe 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.

**Required Materials:**

- 7.1 The Sedona Conference Draft Commentary on Proposed Model Data Breach Notification Law (Sept. 2019)

**12:00 — 1:00 [Session 8] WG11 town hall***(Brady, Cattanch, Meal, Moncure\*, 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.

**1:00 — 2:00 Grab-and-go Lunch**