

Corporate Counsel –

**NEW
Seminar!**



Minnesota State Bar Association
Continuing Legal Education

DATA PRIVACY & SECURITY

FOR

IN-HOUSE COUNSEL

Featuring:

- 6 sessions packed with **concrete advice for in-house practitioners**
- Key privacy and security issues and concepts analyzed via **real-world scenarios**
- Practice tips aimed at **reducing your client's liability exposure**
- A **talented faculty** drawn from both in-house and private practice – leveraging diverse insights, experience and perspective
- Valuable course materials including **helpful checklists**
- And much more!

Wednesday, September 30, 2009 • Minnesota CLE Conference Center
Seventh Street & Nicollet Mall • Third Floor City Center • Minneapolis

Video replay details inside.

FACULTY

Elimu Kajunju, *Course Co-Chair*

Data Privacy Officer, Carlson Companies; Minnetonka

Samia C. Haddad, *Course Co-Chair*

Associate General Counsel, OptumHealth; Golden Valley

Steven E. Helland, *Course Co-Chair*

Fredrikson & Byron, P.A.; Minneapolis

Brad Bolin

Global Information Policy Counsel, Best Buy Co., Inc.; Richfield

Jay Cline

Minnesota Privacy Consultants; Minneapolis

Michael F. Fleming

Larkin Hoffman Daly & Lindgren Ltd.; Minneapolis

Laura H. Gilbert

Laura H. Gilbert & Associates, LLC; Minneapolis

Paul H. Luehr

Stroz Friedberg LLC; Minneapolis

Elaine De Franco Olson

Lead IT Attorney & Global Privacy Lead, Cargill, Incorporated; Wayzata

Alissa M. Raddatz

Faegre & Benson LLP; Minneapolis

David H. Sampsell

Associate General Counsel, ADC Telecommunications; Eden Prairie

Lisa J. Sotto

Hunton & Williams LLP; New York

SCHEDULE

8:30 – 8:50 a.m.

CHECK-IN & CONTINENTAL BREAKFAST

8:50 – 9:00 a.m.

WELCOME & INTRODUCTION

9:00 – 10:30 a.m.

The 50,000-Foot View – The Current Legal Landscape and the Biggest Areas of Exposure in Data Privacy & Security

This foundational overview provides a **practical immersion** into the key privacy and security issues and concepts critical to in-house counsel. Two experienced practitioners:

- introduce you to the laws, regulations and industry standards implicated in this area and how they intersect;
- identify significant areas of exposure in today's business and enforcement environment; and
- provide context regarding the impact on your client's business practices and policies.

Topics will include general discussions of FTC enforcements, international data protection issues, HIPAA (including changes due to ARRA), PCI Data Security Standards, the Red Flags Rule, and more.

– *Elimu Kajunju*
– *Lisa J. Sotto*

10:30 – 10:45 a.m.

BREAK

10:45 – 11:45 a.m.

Data Breach – Navigating the Technical, Strategic and Legal Issues

When companies lose laptops, or backup tapes, or suffer a computer intrusion on systems containing personal information regarding customers or users, they trigger notification duties under a patchwork of state statutes. This session describes how companies should navigate the technical, strategic, and legal issues involved in complying with these statutes. In addition, the presentation will provide practice tips on what immediate steps to take when a data breach occurs. As part of the accompanying written materials, you'll receive a practical, comprehensive **checklist** that incorporates the issues a breached company should think about in dealing with a breach.

– *Paul H. Luehr*

11:45 a.m. – 12:45 p.m.

LUNCH (on your own)

12:45 – 2:00 p.m.

A Process Approach to Handling Your Next Matter that Implicates Legally Protected Customer or Employee Data: A Checklist for In-House Counsel

You find yourself with a client matter that either directly or indirectly implicates customer or employee data – maybe it's advising a client with a self-funded benefits plan on a plan issue, dealing with employee leave requests that involve medical data, monitoring employees and their electronic social networking, or reviewing/drafting internal policies on data creation, storage and destruction. This panel shares a process approach to dealing with those matters and illustrates its use by discussing real-world scenarios. You'll walk away with a **checklist** of laws and issues you should

consider, as well as questions you may need to ask your client to help you determine the applicability of those laws.

- *Laura H. Gilbert*
- *Elaine De Franco Olson*
- *Alissa M. Raddatz*
- *Jay Cline (moderator)*

2:00 – 2:15 p.m.

BREAK

2:15 – 3:15 p.m.

Giving Your Data about Employees, Customers and the Like to a Business Partner/Vendor – or Becoming Responsible for Another Entity’s Sensitive Data

A discussion of significant issues in this area including: When are privacy laws implicated by the transfer of sensitive data between entities, and what requirements do those laws impose? What are the legal and practical considerations in drafting contracts terms between those entities establishing data security performance standards and liability allocation? What makes for an effective post-contract oversight program? And what happens if your client’s transferred data is with an entity who later declares bankruptcy?

- *Michael F. Fleming*
- *David H. Sampsel*

3:15 – 4:00 p.m.

Behavioral Advertising and “Re-Purposing” Marketing Data: Privacy Issues in Client Marketing

In-house counsel must remain alert to possible privacy issues when dealing with the rapidly evolving field of targeted advertising based on online behavior. The session will

include an overview of behavioral advertising, including the FTC’s public position on the subject, and its increasing skepticism toward industry self-regulation. Practical advice will be given with respect to notice, consent, data collection, and other related issues.

- *Brad Bolin*

4:00 – 4:15 p.m.

“If You Remember Only ‘This’ When You Leave Today”: Top 10 Tips to Bring Back to the Office

Two of today’s course planners round out the day with their “**top 10**” list of legal insights and practice tips – a great way to reinforce important data privacy and security concepts discussed during the day.

- *Samia C. Haddad*
- *Steven E. Helland*

4:15 p.m.

ADJOURN

*Register today for this
latest seminar in the
Corporate Counsel Series!*

LIVE PRESENTATION

Minneapolis – 9/30/09
Minnesota CLE Conference Center
Seventh Street & Nicollet Mall
Third Floor City Center

VIDEO REPLAYS

Video replay times may differ from the live presentation due to abbreviated lunch and break periods. Check-in and start times are as indicated below.

Minneapolis – 10/15/09
Minneapolis – 11/3/09
(Registration 8:30; Replay 9:00)
Minnesota CLE Conference Center
Seventh Street & Nicollet Mall
Third Floor City Center

CREDITS

Minnesota CLE is applying to the Minnesota State Board of CLE for **5.75 CLE credits**. The maximum number of total credits any attendee may claim for this course is 5.75.

ACCOMMODATION

If you have a disability and need an accommodation in order to attend this seminar, please contact us as soon as possible. Contact Minnesota CLE at 2550 University Avenue West, Suite 160-S, Saint Paul, MN 55114 or call us at 651-227-8266 or 800-759-8840.

CANCELLATION POLICY

Paid registrants who cancel their registration at least 72 hours before the program will receive a full credit on their account; if fewer than 72 hours, a \$25 administrative fee will be deducted. Paid registrants who fail to attend will receive the written materials. Passholders may purchase the materials for 50% of the full retail price.

QUESTIONS?


Call Minnesota CLE at **651-227-8266** or **800-759-8840**. Or, visit us on the web at **www.minncle.org**.

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PLEASE "✓" APPROPRIATE BOX BELOW:

LIVE (9/30/09):

\$285 MSBA member \$285 paralegal \$345 standard

VIDEO REPLAY (10/15/09):

\$255 MSBA member \$255 paralegal \$315 standard

VIDEO REPLAY (11/3/09):

\$255 MSBA member \$255 paralegal \$315 standard

NEW LAWYER DISCOUNT!

I was first admitted to the bar after September 30, 2006, and have deducted \$60 from the registration fee marked above.

I have a MN CLE Season PassSM. Pass # _____

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PROGRAM MATERIALS

I cannot attend. Please send me:

_____ copy(ies) of the written materials at \$110 each. (Available 10/7/09)

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COST OF BOOK(S)	S & H
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