

Privacy Laws & Business Privacy Officers Network  
**Portugal Data Protection Commission Roundtable**  
25<sup>th</sup> November 2010, Lisbon

**Roundtable Draft Agenda**

**Host: Comissão Nacional de Protecção de Dados, Lisbon**

**9.00 Registration**

**9.20 Welcome and introduction**

Dr. Luís Novais Lingnau da Silveira, Chairman, Comissão Nacional de Protecção de Dados

Stewart Dresner, Chief Executive, Privacy Laws & Business and Chair for the Roundtable

**9.30 Framework for the Commission's decision making**

- The constitution, the law and the Commission's codes and guidance
- Human resources
- Notification fees and the transition from paper to online notification to the Commission

A speaker, Comissão Nacional de Protecção de Dados, Lisbon

**10.00 Employment issues**

- The Commission's new policy on whistle blowing: A framework for responsible confidential but not anonymous allegations to permit a right of response by the accused
- Health records and use for management of fitness to work and absence from work
- Drug and alcohol use records: Criteria for an acceptable access and use policy according to relevance to an individual's role within the organization; and distinction between working time and out of work behaviour

A speaker, Comissão Nacional de Protecção de Dados, Lisbon

**Questions and answers**

**11.00 Coffee**

**11.20 Surveillance**

- E-mail and Internet monitoring in the work place
- Telephone monitoring in the work place
- Monitoring of business and private calls using a company mobile phone or other mobile device
- Tracking of mobile phones and their location in working and non-working hours
- Call centres
- Video surveillance

- Duties of controllers and processors
- Monitoring using biometric monitoring, for example, fingerprint, palm and iris scanning

A speaker, Comissão Nacional de Protecção de Dados, Lisbon

### **Questions and answers**

#### **13.00 Lunch**

#### **14.00 International transfers of personal data outside the European Economic Area**

- The Commission's view of the Binding Corporate Rules mutual recognition procedure and other countries' Data Protection Authorities' approval of Binding Corporate Rules
- Rationale for the Commission's policy for European Union model contracts and inter-group agreements
- Duties of controllers and processors
- The US Safe Harbor program
- A company designating a processing operation "adequate" even though it is not in a country declared to be "adequate" by the European Commission (EU Data Protection Directive Art 26.2 – interpretation of “adequate safeguards”)

A speaker, Comissão Nacional de Protecção de Dados, Lisbon

### **Questions and answers**

#### **15.30 Tea**

#### **15.50 Enforcement**

##### **Data Protection Commission inspections**

- How does the Commission decide which organisations to inspect?
- When does the Commission give advance notice and not do so?
- Which type of people are in the Commission's inspection team?
- How much time does an inspection take?
- Does the inspected organisation have an opportunity to comment on the draft report?
- In which circumstances will the Commission decide to make recommendations rather than impose a sanction?
- If the Commissioner imposes a fine, how can the company appeal?
- Will the inspection report be published and, if so, how, for example, the Commission's annual report, website?
- In what circumstances does the Commission delegate its power of inspection to the police?

### **Questions and answers**

##### **Data Protection Commission prosecutions**

- In what circumstances does the Commission start a prosecution?
- How can a company defend itself?

### **Questions and answers**

#### **Data Protection Commission non-authorisation of a type of processing**

- If the Commission refuses to authorize a type of processing (making it illegal), how can a company appeal?
- If the Commission uses its power to shut down a database, how can a company appeal?
- If a company applies for Commission authorisation to start a type of processing, for example, video surveillance, what should it do if it has not received a reply within a period of, for example, three months?

A speaker, Comissão Nacional de Protecção de Dados, Lisbon

### **Questions and answers**

#### **16.30 Questions and Answers on other issues**

#### **17.00 Close**

#### **Notes**

1. Registration information is at [http://www.privacylaws.com/Documents/EPON/epon\\_flyer.pdf](http://www.privacylaws.com/Documents/EPON/epon_flyer.pdf)
2. This draft agenda is correct as at 20<sup>th</sup> August 2010.

**Stewart Dresner, Chief Executive, Privacy Laws & Business** [www.privacylaws.com](http://www.privacylaws.com)  
**Telephone: +44 208 868 9200**                      **E-mail: [stewart.dresner@privacylaws.com](mailto:stewart.dresner@privacylaws.com)**