

FedEE Global

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The Federation of International Employers
La Federación de Empresarios Internacionales



A Federation of International Employers (FedEE Global) Event

HR Data Management Forum Meeting

Date: Wednesday 13th July 2016

Location: London

Venue: Holiday Inn, Kensington Forum, 97 Cromwell Road, London SW7 4DN

Time: 9.45am until 4.30pm

The first meeting of FedEE's new HR Data Management Forum
will take place in London on Wednesday, 13th July 2016

The Forum will examine the future of workplace privacy and the security of personal data in the context of changing legal frameworks and developments in HRM practice.

Initial Topics For Discussion:

The UK Investigatory Powers Bill:

This measure will compel all multinationals with even only a small subsidiary in the UK to cooperate with the UK police and intelligence services to reveal sensitive data from any location in their worldwide operations. This data may be personal in nature or commercially sensitive and could arise from backdoor de facto espionage tactics by British-owned companies.

The European Union's General Data Protection Regulations (GDPR):

This is designed to place a more consistent framework onto data protection laws than the Directive which preceded it. It will remove the need for notification to supervisory authorities and reduce the number of central authorities to one – although national bodies shall remain. However, it will give data subjects much more control over their personal data and impose a greater obligation on companies to notify the data protection authorities about a data breach. Larger companies will also have to appoint a Data Protection Officer. The penalties for non-compliance will be far higher than at present – up to 4% of company worldwide turnover. The problem with this legislation is that it is already technically out of date and will impose many additional unnecessary burdens on companies.

The Dutch Data Protection Act:

This was recently amended to require companies to introduce more stringent requirements for notification of a security breach and to fine those breaking data protection rules much more heavily.

US/EU Privacy Shield:

The declaration by the European Court of Justice (ECJ) in the Autumn of 2015 that the “**Safe Harbor**” rules were invalid removed a popular legal basis by companies in Europe for transatlantic transmission of personal data. In its place has come the “Privacy Shield”, although that too has yet to be approved by the European Commission's Article 29 Committee and The ECJ. It would appear that this new approach shares many of the vulnerabilities that concerned the judges at the ECJ.

Enforced Subject Access (ESA):

It has become commonplace for prospective employers to require job applicants to use their personal right to gain access to their own criminal record in order to hand it to the recruiter. However, the practice of “enforced subject access” is unlawful under many EU country laws. For instance, Section 56 of the UK's Data Protection Act makes such a request a criminal act with varying levels of fine depending on where in the UK the offence has been committed. Section 4 (13) of the Irish DP Act also made ESA an offence from the year 2014. The GDPR is silent about ESA – although the legitimacy of a subject access request made on the basis of an employer's request would be highly questionable.

Background Checks:

The making of background checks for job applicants is a legal minefield in most jurisdictions. In the USA it is tightly constrained by anti-discrimination laws and municipal rules in many metropolitan areas. If checks are made they must be made for all applicants and not just those defined by race, gender or any other protected factor. New York City, for instance, restricts employers from inquiring into criminal convictions (under the “ban the box” movement) or using credit histories before making employment decisions. In Europe the right to carry out checks varies a great deal between countries. In Poland, for instance, it can be very comprehensive provided prior consent has been gained from the individual concerned, in Italy much can be obtained only after informing the individual that it is being sought - whereas in France it is circumscribed in many ways and, in particular, with regard to criminal checks.

Medical and Disability Records:

Although not necessarily part of background checks such data is commonly held on personnel records. Its legality is, once again, highly variable. Employers will often claim that they cannot make accommodations for those with medical conditions unless they are aware of them and their practical implications. But the knowledge of such data can also affect hiring, promotion and redeployment decisions. Medical records are generally the exclusive domain of the professional medical practitioner who notifies an employer whether an employee is fit to work. Disability data, on the other hand, is often necessary in order to meet disability quotas. But many employees with mental disabilities frequently refuse to reveal their conditions because it can have a much more negative impact on their employment prospects than a physical disability. Disability laws can affect employees too in a directly positive way – as in Germany where they obtain extra annual holidays and are given greater protection from dismissal.

The Internet of Things (IoT) and Cloud Computing:

Digital communication has already been revolutionized by cloud computing and practices such as data warehousing. It no longer makes sense to talk about international data transfers because all data is held in an ether that cuts across conventional country boundaries. By 2025 it is anticipated that IoT technologies will have once more transformed the digital environment making connectivity between smart devices and automating almost every aspect of the way we live. Existing Data Protection laws are out of date even before they are implemented and IoT will rewrite the very concept of privacy.

Making sense of the ever-changing digital HR world:

At the moment employers are faced with a huge number of legal, commercial and operational complexities, uncertainties and grey areas. For that reason there may be a good case for establishing guidelines – or even international codes of practice - in respect to a number of these data management issues.



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Expertise:

In addition to the depth of knowledge brought to the table by forum participants the meeting will be led by two experts in the workplace data privacy field.



Robin Chater, FedEE Secretary-General.

Former Adviser to the European Commission (for over ten years) and Consultant to The UK Information Commissioner's Office (ICO). Robin drew up a special report commissioned by the ICO and drafted the world's first code of practice on privacy at work. He is Author (under a pen name) of "Endangered Spaces: Privacy, Law and the Home" and has advised many multinational companies on data privacy and security.

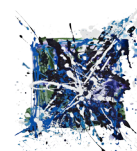


Dr Gerlind Wisskirchen, Partner, CMS Hasche Sigle, Köln, Deutschland.

Gerlind is a leading international authority on data privacy, background data checks and more generally on both labour and employment law and their impact on multinational corporations. She is closely involved with many Management and Supervisory Boards in Germany and elsewhere, advising them on cross-border projects such as business reorganizations (outsourcing, off-shoring), compliance issues, job posting, internal investigations, co-determination, the implementation of codes of conduct and whistleblowing systems. She teaches on the MBA programme "International Human Resources Management" at Cranfield University, one of the leading European business schools, and has published numerous articles in both German and English.

We shall also be joined through a transatlantic link by a data privacy expert from **Baker & McKenzie in the USA.**

An invitation to participate in the meeting has also been accepted by **Dr. Ralf Sauer, Head of the International Section of DG JUST, Data Protection Unit of the European Commission.** This may also be achieved via a live video link.



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Agenda:

- 9.45 am:** Registration
- 10.00 am:** Introduction by **Robin Chater**
- 10.15 am:** Summary of issues for discussion: **Gerlind Wisskirchen**
- 11.00 am:** Refreshments
- 11.15 am:** The UK Investigatory Powers Act and its impact on HR worldwide
- 11.45 am:** The GDPR, enforced subject access and recent data protection developments within countries around the world
- 12.30 pm:** The US/EU Privacy Shield
- 1.00 pm:** Full buffet lunch
- 2.00 pm:** Background Checks and Medical/Disability Records
- 3.15 pm:** Refreshments
- 3.30 pm:** Digital transformation - The next decade
- 4.15 pm:** Chairman's summary and action points

This is a round table meeting - so places are strictly limited



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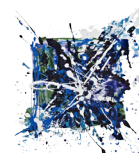
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Sign up today:

The meeting is not externally funded and there is no fee for membership of the Data Management Forum (DMF), so we ask each participant to contribute £245 (Members) or £295 (NonMembers) plus VAT, where applicable, to cover administrative expenses, professional fees and hospitality costs.

Booking:

Please book your place by completing and posting the form below or our [online registration form](#). Alternatively please contact Naomi Simpson, The Events Office, The Federation of International Employers (FedEE Global), Floor 5, Broad Quay House, Prince Street, Bristol BS1 4DJ, United Kingdom. naomi.simpson@fedee.com. Telephone: +44 (0) 117 975 8611.



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Booking form:

You may also book [here](#) online.

Please reserve **place(s)** at FedEE's HR Data Management Forum in London on Wednesday 13th July 2016.

Non-members £295.00 + VAT (where applicable)

☐ please tick ✓

I/We qualify for the FedEE Corporate Member rate of £245.00
+ VAT (where applicable)

☐ please tick ✓

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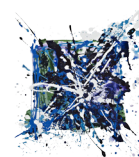
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