IADC Publishes Defense Counsel Journal on Privacy and Data Protection Law

Privacy impacts the daily lives of people like never before, including how their information is treated and protected by the companies in which they place trust for business. In recognition of the growing importance of privacy and data protection law and compliance, the International Association of Defense Counsel (**IADC**) has dedicated the summer 2017 edition of its Defense Counsel Journal (DCJ) to the exploration of privacy issues.

The summer issue is the first half of the IADC's "Privacy Project V" publication. The second half will be published as the fall 2017 issue of the DCJ. The current issue is available for free and without a subscription via the **IADC's website**.

In the current issue, IADC members write about a variety of privacy topics from a global perspective. Frequently and favorably cited by courts and other legal scholarship, the DCJ is a quarterly forum for topical and scholarly writings on the law, including its development and reform, as well as on the practice of law in general. The IADC is a 2,500-member, invitation-only, worldwide organization that serves its members and their clients, as well as the civil justice system and the legal profession.

"We are reminded in our daily lives of the importance of privacy – particularly in matters or with business impacted by social media, e-discovery, text messaging and instant messaging," said Eve B. Masinter, co-chair of the IADC's Privacy Project V Editorial Board and a partner with Breazeale, Sachse & Wilson, L.L.P., in New Orleans. "Privacy must be protected worldwide by our constitutions and laws."

According to the Pew Research Center, 91 percent of adults agree or strongly agree that consumers have lost control of how personal information is collected and used by companies, and technology experts believe most individuals will not have the energy or resources to protect themselves from "dataveillance" in the coming years.

S. Gordon McKee, also co-chair of the IADC's Privacy Project V Editorial Board and a partner with Blake, Cassels & Graydon, LLP, in Toronto, added, "It is critical that attorneys, who are increasingly giving advice on the balance between privacy and other rights and interests, remain engaged and informed on the latest developments and insights that impact this developing area of the law."

The IADC's Privacy Project is dedicated to the memory of Joan Fullam Irick, the IADC's first female president, who made the issue of corporate and personal privacy a key theme for her administration.

The first half of the "Privacy Project V" issue of the DCJ includes the following articles:

– "The Era of the Internet of Things: Can Product Liability Laws Keep Up?" – Explores the need to reexamine traditional product liability theories amid the proliferation of wireless connected devices.

– "Follow the Audit Trail: The Impact of Metadata in Litigation" – Discusses the importance of practitioners making a conscious effort early in every case to determine whether discoverable electronic data and, particularly, metadata exist, assess whether it is relevant to the pertinent issues, and ensure its preservation.

– "Standing in the Midst of a Data Breach Class Action" – Focuses on class-action litigation following a cyber attack, and what is often corporate counsel's first best chance to dispose of these cases by challenging plaintiffs' standing.

– “Connected Cars and Automated Driving: Privacy Challenges on Wheels” – Explores privacy and data protection in the realm of connected cars.

– “The French Blocking Statute and Cross-Border Discovery” – Reviews the so-called “French blocking statute” and attempts to reform it, and how it – along with data protection and privacy laws – constitutes another hurdle for the transfer of certain information from the French jurisdiction to the United States.

– “Did You Really Send It? Email Evidence in Litigation and Arbitration in Argentina” – Analyzes the state of electronic evidence in Argentina and the need for additional measures.

– “Zones of Privacy: How Private?” – Discusses the constitutional and legal implications engendered by the collision between the right to individual privacy and the exercise of the state’s police power pursuant to the demands of public interest and state security under Philippine law.

– “Busting the Black Box: Big Data Employment and Privacy” – Provides examples of the impact that big data can have in the workplace and the related compliance concerns.

– “EU Data Protection and the Conflict of Laws: The Usual “Bag of Tricks” or a Fight Against the Evasion of the Law?” – Examines to what extent the principles developed by the case law of the Court of Justice of the European Union still apply under the General Data Protection Regulation and, if so, to what extent they can still be used as a source of inspiration in resolving data protection questions.

– “Shots Fired – A Rational Assessment of Mass Shootings, The Alleged Participation of the Mentally Ill, and an Impaired Right of Privacy” – Advocates for removal of the barriers preventing data collection and analysis, particularly with states abandoning conceal-carry permit requirements and as terrorists migrate to using cars and alternative means to

carry out their plans.

Join Our LinkedIn Group