



**Bill Denny**

**Double, double toil and trouble; Fire burn and cauldron bubble: Data Privacy and the Double Trouble of GDPR and the California Consumer Privacy Act of 2018**

Fundamental changes in data privacy laws will have a significant impact on Delaware businesses, as many will be forced to re-design their data security and privacy practices to comply with the new laws. Some may think that the European Union’s General Data Protection Regulation (“GDPR”), and the California Consumer Privacy Act of 2018 (“CaCPA”), would not apply to them, because they are located in Delaware. However, they would be mistaken. Both laws reach significantly beyond their borders. The California law that was intended to curb the purportedly abusive privacy practices of internet giants like Google and Facebook vastly overshot its goal. Although Facebook may have been the target, the local pizzeria will bear the law’s brunt.

Many companies, especially those with an online presence or those with customers or service providers outside of our region, will be required to comply with the new laws. Current practices will put many in violation of the new laws, where penalties for non-compliance are severe. As it would be infeasible and unworkable to establish one set of policies and procedures for residents of EU and California, and another set for everyone else, those companies will apply the new policies and procedures to everyone. This will continue to change customer expectations and will inspire other states to adopt stronger privacy standards. It will also push others in the business community to follow suit. The laws represent the beginning of a seismic shift in attitudes of governments, regulators and

This presentation will tell you what you need to know about the new laws, to whom they apply, and the steps you should take now to move toward compliance. What is your strategy for handling data? Who are your vendors? How will you track your data flows? How will you outsmart the bad guys who pose as customers requesting their information? What updates do you need?

## **Biography**

William A. Denny is a Partner in Potter Anderson Corroon LLP in Wilmington, DE. He is a Certified Information Privacy Professional (CIPP/US) through the International Association of Privacy Professionals (IAPP). He has represented public and privately held companies and government entities in a wide range of technology and intellectual property-related transactions, including counseling clients on compliance with cybersecurity laws, development of data security policies, contracting with cloud service providers, outsourcing of IT services, mergers and acquisitions, technology licensing, software development, and drafting of website terms of use and privacy policies. He also has litigated disputes over the interpretation and enforcement of many types of technology contracts, general commercial contracts and liability insurance policies. Bill is a member of the ABA Cybersecurity Legal Task Force, and a contributing author to *Guide to Cybersecurity Due Diligence in M&A Transactions* (ABA, 2017). Bill received his A.B. from Princeton University and J.D. from the University of Virginia School of Law. He writes and speaks extensively on technology, cybersecurity and business issues.