



NIKOLINAKOS - LARDAS & PARTNERS

L A W F I R M

Data Protection, Privacy & Cybersecurity Practice



Ranked #1
in Greece

Leading Experts
in Data Privacy
& Cybersecurity

The
LEGAL
500
E M E A

LEADING INDIVIDUAL
2017

RANKED IN
EUROPE
CHAMBERS
2016

LEADING INDIVIDUAL

The
LEGAL
500
E M E A

TOP TIER
2017

RANKED IN
EUROPE
CHAMBERS
2016

LEADING FIRM

ABSOLUTE SPECIALIZATION

STRATEGIC GUIDANCE – POWERFUL LITIGATION

Our Data Protection, Privacy & Cybersecurity Practice has in-depth, genuine and proven expertise and experience and has gained a reputation for vigorous representation of clients before courts and regulatory authorities.

“Strong on data privacy and cybersecurity”.

Legal500, EMEA, 2017

“Prominent practice with deep knowledge on data protection matters”.

Legal500, EMEA, 2016

“Well known for advising on data protection, privacy and IT security”.

Chambers & Partners, 2016

“This law firm combines tremendous legal expertise with thoughtful business advice”.

Legal500, EMEA, 2016

“Nikolinakos - Lardas & Partners Law Firm provides guidance on complex matters in an efficient and convincing manner. Its quality and client service are exceptional”.

Chambers & Partners, 2016



OUR LAWYERS

Our lawyers are distinguished not only by their substantive expertise and advocacy skills, but also by their ability to guide clients through major events and, where needed, **develop and implement a prompt and effective crisis-management strategy**. In particular, one of our core strengths is the ability to advise clients on relevant privacy and data security rules and to help them **structure valid compliance programs**.

Our lawyers are highly recommended as **leading experts** by prestigious international legal directories. Indicatively:

"**Dina Kouvelou** has **outstanding expert knowledge and practical experience**", Legal500, EMEA, 2017.

"**Nikos Nikolinakos** is a **standout figure** in the field of technology law", Legal500, EMEA, 2017.

"**Alexis Spyropoulos** is **strong on data privacy and cybersecurity**," Legal500, EMEA, 2017.

"**Nikos Nikolinakos** has been described by market commentators as an **impressive counsel** who has a business understanding that goes beyond legal matters." Chambers & Partners, 2016.

"**Dina Kouvelou** has a reputation for being **extremely business-oriented, proactive and an effective strategist**. The clients value her experience of the **regulatory aspects of TMT law**". Chambers & Partners, 2016.

"**Nikos Nikolinakos** is a notable **regulatory expert**". Chambers & Partners, 2015.

"The '**efficient, reliable**' Dina Kouvelou '**consistently delivers a high-calibre service**'. Legal500, 2014.

"**Dina Kouvelou** is '**an outstanding counsel**' who '**provides a hard-to-find combination of technical and practical legal advice**'." Legal500, 2014

"**Nikos Nikolinakos** is '**immensely experienced**', and undoubtedly one of the **top regulatory lawyers** in the TMT sector in Greece ". Legal 500, 2013

"**Dina Kouvelou** is '**a true TMT expert**' who '**delivers the highest level of service**', and is praised for her '**accuracy and clever tactics**'. Legal500, 2013

"**Dr. Nikos Nikolinakos is a first-class regulatory counsel**. He is vastly experienced and innovative". Chambers & Partners, 2012



EXPERIENCE & EXPERTISE – OVERVIEW

Our Cybersecurity, Privacy & Data Protection Practice (which belongs to our TMT Group) is top ranked in legal directories. Our leading data protection specialists have long standing practical expertise including working at relevant Regulatory Authorities.

The collection and use of information, including personal data, lies at the heart of the operations of many companies and institutions. We can advise on the **full scope of legal and regulatory issues that affect companies' use of data, including data protection, privacy, confidentiality, information sharing, data and cyber security**, and information access regimes.

We can support our clients on the **development of data protection strategies** through to strategy execution, analysis of risk and risk mitigation. We are also adept at handling troublesome regulatory problems, disputes and litigation.

We can also assist our clients in **responding to data security breaches**, as well as in **developing programs to avoid such breaches**.

We provide exceptional coverage of all of the substantive areas of privacy and data security, including telecoms, IT/technology, data security, financial privacy, health privacy, employment privacy, litigation and transactions.

Our client list contains a broad range of companies across numerous sectors, including telecommunications, consumer products, financial services, health care, internet services.



EU GENERAL DATA PROTECTION REGULATION (GDPR)

After over four years of discussion, the new EU data protection framework has finally been adopted. It takes the form of a Regulation – the General Data Protection Regulation (GDPR) – which was published in the Official Journal of the EU on 4 May 2016. It entered into force on 25 May 2016. It will not apply until 25 May 2018. However, as it contains some **onerous obligations**, many of which will take time to prepare for, it will have an immediate impact.

Pursuant to GDPR **companies need to review their data protection compliance programs** within the next two years in order to address the changes. If not, Regulatory Authorities may impose **fines** to the companies of up to 4% of total annual worldwide turnover or EUR 20 million.

WHAT HAPPENS NEXT?

As companies begin the process of moving to compliance with the new requirements, they need to consider the following questions:

- What are the new obligations under the GDPR which will apply to their organization?
- What gaps exist between their existing state of compliance as against the standard required under the GDPR?
- What changes should they make to achieve compliance with the GDPR, on what timetable, with what order of priority, and at what cost?

What you should be doing now to prepare:

- Identify: i) types of data collected and processed; ii) purposes of processing; iii) all parties with access to each category.
- Establish a framework to prove that you meet the required standards.
- Establish a culture of monitoring, reviewing and assessing your data processing procedures.
- Check that your staff are trained to understand their obligations and ensure induction training of new employees.
- Auditable privacy impact assessments will need to be conducted.
- Put in place clear policies to ensure that you can react quickly to data security breaches.
- Ensure that privacy is embedded into any new processing or product that is deployed.
- Analyse the legal basis on which you use personal data.
- Check your privacy notices and policies.
- Consider the rights of data subjects.
- Ensure that you have a legitimate basis for cross-border data transfers.
- If you are a supplier, consider whether you have new obligations as a processor.



COUNSELING & COMPLIANCE

We regularly counsel clients regarding compliance with laws, regulations, and best practices involving the privacy and security of personal information. We not only evaluate our clients' existing practices, but also offer forward-thinking strategies to maximize new business opportunities within applicable privacy and security standards.

Our counseling and compliance work ranges from assisting clients in conducting privacy and security audits – to assess the ways in which they collect, handle, and protect their customers' personal information – to **advising on potential liability** arising out of business practices, human resources procedures, marketing plans, and online activities.

We have been involved in **developing information security policies** and **conducting assessments of data security practices** to comply with legal requirements, regulatory obligations, best practices, and specific agreements with third parties and governmental agencies. Apart from **conducting data security audits** on behalf of our clients, our expertise also includes refining their **information security** policies and incident response plans.

Furthermore, our lawyers have helped numerous clients understand and comply with the increasingly complex set of rules governing **privacy in the workplace**. On a range of issues such as the **privacy of employment records and employee monitoring**, our lawyers provide valuable advice to help our clients manage human resources and other workplace operations.



AUDITS AND COMPLIANCE PROGRAMS

Any business that collects, uses and/or transfers or discloses personal data (of employees, customers, targets etc) must consider privacy and data protection issues. That includes compliance not only with privacy laws, but also with the company's privacy policies and marketing materials.

We develop compliance programs aiming to ensure that our clients can effectively monitor compliance with all applicable statutory and internal rules on data protection, allowing them to prevent or promptly react and mitigate risks arising from violations or incidents of security breach.

We conduct **privacy and data security audits** on behalf of our clients, **assessing** their **existing data security practices** and **refining** their **information security policies and incident response plans**.

A privacy audit helps companies eliminate the potential areas of liability. As part of our **privacy audits** we:

- Ensure the client collects and utilizes personally identifiable information in a manner that complies with applicable legal requirements as well as statements it has made to customers and employees;
- Ensure the company is in compliance with any data use restrictions imposed by third parties.
- Establish internal processes and create policies to ensure compliance with applicable legal requirements and external and internal disclosures;
- Establish a data map of how information is collected, used, accessed, managed, stored and distributed internally and externally that can be updated and monitored on a regular basis.
- Establish a process for ensuring local law compliance and for interacting with applicable data protection authorities;
- Establish ongoing training and monitoring programs; and
- Review and/or create all necessary policies and procedures.



DATA BREACH ISSUES & RESPONSE

In addition to proactive counseling, we contribute our strategic insight when **responding to crises**.

The effects of a catastrophic data breach can be far reaching, potentially impacting a company's operations, reputation and bottom line. Our team assists our clients in **preventing and managing cyber events**, from security planning and prevention of cyber intrusions, to incident response and handling of litigation and disputes arising from such events.

We provide strategic counsel on substantive issues of privacy and cybersecurity; address corporate governance and director responsibility concerns; navigate any concurrent civil, criminal and/or administrative proceedings; and help manage cyber insurance claims.

Our regulatory lawyers assist clients in **navigating breach notification and disclosure requirements**, including evaluating whether such requirements apply and drafting appropriate notices where needed. **We co-operate with data security IT experts and conduct internal investigations** for clients that suspect a breach has occurred, provide advice to clients interfacing with law enforcement officials and furnish dispute resolution / **litigation** services as needed.

Our team also assists clients in the normal course of business, and in the wake of a breach, in developing and **improving data breach preparedness and risk management plans**.

Therefore, we respond to data security incidents involving the stolen personal information of customers, including: i) preparing notices to consumers and regulators; ii) establishing fraud monitoring and tailored customer service; iii) working with officials to ensure compliance with applicable requirements and best practices (and to avoid lawsuits or enforcement actions).

We also provide **legal support to insurance companies** that offer insurance policies for data breach incidents.



LITIGATION

We **regularly appear before agencies and relevant regulatory authorities** (such as the **Hellenic Data Protection Authority** and the **Hellenic Authority for Communication Security and Privacy**), successfully representing our clients in numerous investigations involving their privacy and data security practices. Drawing upon our extensive experience before agencies and regulatory authorities, we are able to guide our clients through this process, and to achieve favorable outcomes in enforcement actions.

Furthermore, we regularly represent numerous clients in **lawsuits** involving a broad spectrum of related issues.



ADVERTISING AND MARKETING / HUMAN RESOURCES PRIVACY / HEALTH INFORMATION

Advertising & Marketing – Privacy & Data Security:

We advise on collecting and using customers' data and on complying with marketing rules. For instance: a) **sales promotions**, including price claims, prize draws and prize competitions; b) **data protection**: data protection legislation impacts the ways and means by which consumer information is collected and we can advise on legislation governing unsolicited direct marketing initiatives, rights of access and the collection and usage of data.

Human Resources Privacy – Privacy & Data Security:

We assist our clients to comply with the increasingly complex set of rules governing privacy in the workplace. We regularly advise our clients on:

- conducting detailed **review of the human resources operations** to assess compliance with data protection and privacy laws and regulations
- **proper methods for collecting and processing employee personal information**
- on the **use of CCTV systems and collection and use of the employees' biometric information**
- **drafting acceptable use policies for Internet, e-mail, blogging, and other network activities** in accordance with existing laws and practices regarding workplace monitoring.

Health Information – Privacy & Data Security:

There are many data privacy issues relating to **privacy of medical records** and other individually identifiable health information.

For instance, we serve a broad client base of healthcare providers, pharmaceutical companies, insurance companies, benefit managers, group health plans, clinical laboratories, medical equipment manufacturers, and others whose businesses involve the handling of personal health information.

We can counsel the abovementioned clients on laws and regulations affecting the privacy of certain types of medical records, including **genetic information and pharmacy records**.



In sum: our Data Protection, Privacy and Cybersecurity Practice works across all sectors offering a full complement of counseling and advice, regulatory and litigation services.

- Regularly appearing before agencies and relevant regulatory authorities (such as the Hellenic Data Protection Authority "DPA" and the Hellenic Authority for Communication Security and Privacy – "ADAE")
- Conducting privacy and data security audits
- Privacy impact assessments and risk management
- Developing information security policies
- Refining incident response plans
- Data breach incident preparedness, response, investigation, and communication
- Information governance and records management
- Workplace Privacy - Employee data privacy
- Outsourcing and HR solutions
- Critical infrastructure cybersecurity
- Health information privacy and security
- Consumer data privacy
- Advertising, Marketing and Sales
- Financial data privacy
- Communications and information technology
- Government and law enforcement data requests
- Public sector issues and freedom of information
- Digital media privacy and CRM strategy
- Corporate and Commercial Transactions



RECENT DISTINCTIONS **AWARD WINNING**

Client satisfaction is the real measure of success for the work we do. But we also value the external recognition gained through the awards we have won

We are highly recommended by international legal directories, such as Chambers & Partners and Legal500, as a Top Tier and a Leading law firm.



"Strong on data privacy and cybersecurity"

[Legal500, EMEA, 2017]

"Prominent practice with deep knowledge on data protection matters"

[Legal500, 2016]

"This law firm combines tremendous legal expertise with thoughtful business advice".

[Legal500, 2016]

"This business-oriented and responsive team is efficient, practical and results focused".

[Legal500, 2016]

"The lawyers at Nikolinakos - Lardas & Partners LLP have 'excellent legal knowledge, deliver a personalised service and are regularly first choice for complex deals'".

[Legal500, 2015]

"Experienced in representing both domestic and international clients before courts and regulatory authorities".

[Chambers & Partners, 2014]

"Nikolinakos - Lardas LLP has earned an 'outstanding' reputation".

[Legal500, 2013]

"This Firm continues to impress with its regulatory expertise".

[Chambers & Partners, 2013]

"It is efficient when it comes to high-risk and complex matters".

[Chambers & Partners, 2012]

"The team is extremely effective, detail oriented and provides excellent strategic advice".

[Legal500, EMEA, 2017]

"Well known for advising on data protection, privacy and IT security"

[Chambers & Partners, 2016]

"Nikolinakos - Lardas & Partners Law Firm provides guidance on complex matters in an efficient and convincing manner. Its quality and client service are exceptional."

[Chambers & Partners, 2016]

"The overall level of their service is impressive – solution oriented and very customer focused. The team handles complicated and demanding cases skillfully, providing guidance in an efficient and convincing manner".

[Chambers & Partners, 2015]

"Nikolinakos - Lardas & Partners' 'level of service is very high' and 'industry knowledge is deep', particularly for regulatory or disputes advice".

[Legal500, 2015]

"The lawyers possess excellent knowledge, and deliver a personalised service".

[Chambers & Partners, 2014]

"The team's advice is consistently accurate, quick and practical".

[Chambers & Partners, 2013]



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