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1. Leading Global Information Technology & Communications Practice

Today’s companies are focused on tomorrow’s technologies, continuously innovating in anticipation of rapid developments in the information technology and communications market. They are seeking more efficient and innovative ways of sourcing information technology and communications products and services. Often, they are also consolidating resources — operations and expertise — to meet rising demand for cutting-edge products and services across the globe.

At Baker & McKenzie, we understand the challenges and rewards of staying innovative and profitable amid fast-paced change in the global information technology and communications industry. We were the first law firm to provide focused advice in this industry and, with more than 500 lawyers in 42 countries, continue to be the largest and strongest Information Technology & Communications Practice in the world.

We know the industry better than anyone else, with over 30 years’ experience helping major industry players navigate through legal and commercial risks in information technology and communications investments. We have pioneered novel structures for novel technology offerings. With proven project tools and industry best practices, we can help you remain innovative — and profitable — in a fast evolving industry.

With world-leading cross-practice capabilities, we can deliver full-service solutions and genuine specialisms wherever your technology business is done. Our lawyers can help design sound compliance programs to help protect your critical business interests. No other firm has more experience in acting on cross-border transactions and ventures in the technology sector. We understand that your success depends on how you manage the risks that abound in changing regulatory and compliance matters and how alliances and acquisitions are structured. Our culture of friendship and collaboration allows us to provide you with the right talent, ideas and best practices so that your legal needs are managed thoughtfully, creatively and efficiently.

2. Privacy and Data Protection

Today’s rapidly evolving technologies have made it easy for companies to collect, copy, and transfer personal data throughout the world. Yet, strict privacy and data protection regulation has expanded to virtually all key business jurisdictions, imposing complex and often inconsistent privacy and data protection standards.

At the same time, the legal and business risks associated with non-compliance with these emerging regulatory regimes have escalated. Several high-profile corporations around the world have already been subject to decisive enforcement action by local privacy and data protection authorities.

The adverse public relations consequences of failing to comply with applicable privacy and data protection laws can have a devastating effect on an organization’s image, reputation and goodwill. Furthermore, addressing privacy-related complaints can result in substantial financial and human resource costs, and may even jeopardize business relationships, when a company’s level of privacy compliance is not

We understand the rewards and challenges of staying innovative and profitable amid fast-paced change

We have been ranked Band 1 in Chambers Global for Data Protection in 2008, 2009, 2010, 2011 and 2012

We have been ranked Band 1 in Chambers Global for Outsourcing in 2008, 2009, 2010, 2011 and 2012

We have been ranked Band 1 in Chambers Global for Technology & Communications in 2008, 2009, 2010, 2011 and 2012

We are the only firm to have been ranked as Band 1 for Technology & Communications in 2011 and 2012
aligned with that of its business partners. On the other hand, companies that take privacy issues seriously and actively work to establish policies and procedures that reflect good information practices can achieve a competitive advantage, enhance their corporate image, and enrich their relationships with customers, suppliers and employees.

Baker & McKenzie has extensive experience providing practical, cost-effective advice to help develop and implement your privacy compliance solutions. We have a keen understanding of how to provide your organization with best practices across diverse business functions and operation locations. As recognized global leaders, our dedicated privacy lawyers can offer scalable, flexible solutions customised to your needs, budget and resources.

3. Sound and seamless information management across borders and industries

Because our global privacy practitioners have a keen understanding of the interplay of privacy requirements with labour and employment laws, consumer protection laws and other local laws, we effectively guide clients through business issues associated with managing information, and work with them to develop and implement privacy compliance strategies that will help them to operate confidently in different and complex regulatory environments.

With extensive experience in dealing with the requirements mandated by the EU Directive on Data Protection, Safe Harbor Principles and Binding Corporate Rules, we have developed privacy guidelines and checklists to help ensure sound and seamless exchanges of information across borders. Our fluent knowledge of industry-specific data protection rules covered by the Fair Credit Reporting, Gramm-Leach-Bliley and Health Insurance Portability and Accountability acts enable us to help clients responsibly manage information even in highly regulated sectors.

Our lawyers share precedents and know-how throughout our worldwide network to effectively address privacy and data protection risks in mergers, acquisitions and corporate restructurings. We help clients safely transfer sensitive information by preparing privacy-focused due diligence reports during bankruptcy proceedings or consumer database disposals.

We have more lawyers dedicated to privacy matters than any other law firm in the world. Few can match our experience in advising on cross-border data protection matters. We were among the first to provide comprehensive information management solutions for Fortune 500 companies in a variety of sectors including technology, media, healthcare, financial services, retail, insurance and telecommunications. We are best placed to assist businesses when they face a number of ‘hot button’ privacy issues such as:

Cross-border data flows

Cross-border transfers of personal data are viewed by many privacy regulators as “high risk” activities and accordingly are subject to rigorous privacy and data protection requirements. Companies that exchange personal data across borders must often implement strict protection measures.

“Our unparalleled global team of internationally experienced lawyers offers expert advice on all aspects of data privacy including:

- Privacy and data protection policies
- Multi-jurisdictional reviews of personal data collection, use and transfer
- Privacy audits
- Data storage, retention and destruction policies
- Privacy disputes and litigation
- Data access requests
- Data transfer and disclosure agreements
- Website privacy policies and user guidelines
- Employee privacy training
- Implementation of global databases
- Breach and crisis situations

“Its depth and breadth attract multinational corporations seeking advice on their global compliance practices.”

Chambers Global 2012
E-monitoring
Compliance with laws and regulations governing e-monitoring is increasingly challenging due to escalating spam activity, new security threats, increasing litigation related to workplace harassment and the potential for the disclosure of trade secrets and confidential information through electronic means.

Outsourcing
The goals of greater efficiency and productivity, combined with increasing business specialization, have significantly expanded outsourcing activity. Whether outsourcing is targeted at IT, HR, or sales and marketing functions, it usually involves providing third parties with access to and responsibility for “internal” company data. In particular, vast amounts of personal data are often transferred to third parties, creating complex obligations for both the transferring and receiving parties.

Marketing
Competition forces many companies to adopt more aggressive marketing strategies. To create new sales opportunities, companies increasingly compile large amounts of personal data about existing and prospective customers. Companies often purchase data about target customers from third-party marketing agencies, and business intelligence and lead-generation firms. This collection and use of personal data for marketing purposes raises privacy and data protection issues, including the need for third-party contracts, opt-in/opt-out requirements and compliance with emerging anti-spam laws.

Global IT infrastructure
New technologies offer tremendous potential for companies to streamline activities, improve efficiencies and reduce costs. Yet, these applications and databases can raise significant privacy issues because they frequently contain vast amounts of centralized personal data about customers, employees, suppliers or others that are often accessible in the many jurisdictions in which a company operates. Privacy issues typically arise with respect to the collection, storage and processing of personal data about customers/clients in Customer Relationship Management (CRM) systems; job applicants, employees and contractors in Human Resources Management (HRM) systems and financial data in Enterprise Resource Planning (ERP) systems.

Mergers, acquisitions, restructuring and bankruptcy
Mergers, acquisitions, restructuring and bankruptcy raise important, but commonly overlooked, privacy and data protection issues. For example, in a typical acquisition of a consumer products company, the extent to which the target has properly collected personal data may affect the company’s valuation. Similarly, the sale of a company’s customer database in a bankruptcy proceeding requires significant privacy and data protection-focused due diligence. Depending on the location of the parties, the

"Baker & McKenzie attracts a wide variety of highly impressive data protection work."
Chambers Global 2011

“A network encompassing excellent teams.”
Chambers Global 2012

“This practice breaks away from other ranked firms.”
Chambers Global 2011

We have the technical reach and industry insight you need to stay innovative
structure of the transaction, and the particular assets transferred, there may also be cross-border data flow and other privacy issues that arise.

Third-party data processors
Virtually every company, regardless of its size, requires the assistance of third-party service providers. Third-party processors support marketing and sales activities, administration of employee benefits and a host of other operational functions. Every time personal data is transferred to a third party, a company must ensure, contractually or otherwise, that the processor maintains appropriate privacy and data protection standards. Such standards will vary depending on the jurisdiction and the level of sensitivity of the personal data being transferred.

Online collection
The Internet has become a primary channel for the collection of personal data. From website forms and questionnaires to online data-mining, the collection of personal data over the Internet is key to sourcing new customers and prospective employees and contractors. Yet, the ease with which information can be collected and shared over the Internet raises privacy and data protection concerns, including the manner in which a data subject is identified, the validity of his/her electronic consent, opt-in/opt-out requirements and whether data collection involves sensitive personal data.

Information security
In the event of unauthorized access to personal data, companies are required to undertake urgent investigations and, in some jurisdictions, to make mandatory notifications to data protection authorities and for individuals involved; in addition, local laws often compel companies to remediate against future breaches, including through establishing appropriate policies and procedures on information security.

Crisis response
We have extensive experience helping major companies deal with the legal and reputational impact of data security breaches. No other law firm has the global depth and breadth of speciality ready to step up at a moment’s notice to provide the support you need.

4. Our expertise and experience
We advise clients seamlessly on their privacy and data protection needs and do so at every stage, including by advising on issues that arise during a crisis, a transaction or daily operations. For example:

- We advise on the pros and cons - and the implementation aspects - of the different data transfer compliance models in the EEA, such as the EU-US Safe Harbor, the Model Contractual Clauses, Binding Corporate Rules and Consent.

“They offer practical solutions.”
Chambers Global 2012

“A deep bench of experts.”
Chambers Global 2012

“They have both the presence and knowledge that we need”
Chambers Global 2011

We will provide you with the right talent, ideas and best practices
• We assist with data security compliance - which continues to be a rapidly evolving area globally. This includes workplace privacy compliance issues, from core compliance steps for the processing of employee personal data, through to the more complex issues such as employee monitoring, the implementation of whistle-blowing hotlines, responding to data access requests and the conduct of background checks etc. We have also provided training to HR and line management on their obligations when dealing with employee data and practical steps for avoiding security breaches.

• We advise on worldwide strategy to ensure data privacy compliance, including global advice on data privacy regulations, devising a strategy to ensure rapid compliance, drafting and implementing new policies on a global basis.

• We advise on compliance and regulatory implications for multinationals subject to foreign (especially US) disclosure obligations and regulatory proceedings. We have advised on issues relating to the transfer of sensitive personal data to the US in the context of US regulatory and compliance requirements, investigations and proceedings.

• We advise on helping to protect employees’ personal data as well as avoiding workplace harassment disputes by counselling on privacy and data protection rules in the workplace, including employee monitoring, communications policies and processing of sensitive information.

• We help clients to take proactive steps in monitoring employee use of company computer systems to avoid disclosure of trade secrets and other confidential information through electronic means.

• We assist contracting parties in meeting compliance obligations in transferring and sharing company data (both internally and externally) by preparing and helping to execute sound data transfer and outsourcing agreements.

• We address privacy and data protection issues arising from the collection and use of personal information for marketing purposes - including the need for third-party contracts, opt-on/opt-out requirements and compliance with emerging anti-spam laws.

• We assist with the analysis of legal frameworks to conduct audits on personal data stored in company databases.

• We advise on the implementation of global database systems to streamline activities, improve efficiencies and reduce costs in managing data flows across borders.

“Its exceptional global footprint sets it apart from others in this field.”
Chambers Global 2012

“The team’s experience spans the full spectrum of data protection concerns.”
Chambers Global 2012

“This practice breaks away from other ranked firms.”
Chambers Global 2011

We know the industry better than anyone else. With over 30 years experience, we can help you navigate through the legal and commercial risks.
• We advise on data privacy implications of outsourcing and offshoring. Many companies are becoming increasingly extended enterprises. As a result of this we have seen an increase in work advising clients on compliance issues arising from the subcontracting of data processing and the offshoring of data processing to other countries. These projects often involve:
  - Advising on permitted jurisdictions for processing
  - Required notifications to regulators and data subjects
  - Addressing requirements for adequacy (often via model clauses)
  - Advising on how outsourcing solutions can be optimised to minimise data protection compliance challenges, for example by limiting the categories of personal data to be processed offshore.

• We have a strong practice in the overlap between technology, communications and data privacy and have also developed a niche strength advising both suppliers and purchasers of networks on interception and security. Given the increasingly high profile of information security, many multinational organisations are reviewing their global network and data centre design with a view to improving information security. As part of that process, we have advised a number of multinationals on laws which may compromise network security, such as laws permitting law enforcement agencies to intercept communications and to require operators to facilitate the interception of communications.

• We advise multinationals on global notification requirements in the event of information security breaches, in particular leveraging our US practice which has significant strength in this area.

• We regularly work with clients on regional and global compliance projects in the context of implementing global HR databases and workplace monitoring systems, such as email and internet monitoring. At the local level, data privacy impacts on many day to day HR issues and our team advises on managing subject access requests, background checks and other recruitment procedures, email and internet monitoring and workplace investigations.

“Their depth of experience is as good as it gets.”
Chambers Global 2012

“Market sources praise the unrivalled geographical coverage provided by this practice.”
Chambers Global 2012

With world leading full service capabilities, Baker & McKenzie can deliver solutions wherever your business is done.
5. Global Presence
Baker & McKenzie covers the world. With our expansive global footprint, our clients tell us they rely on our ability to provide a deep level of local expertise while ensuring a global perspective to their business and legal needs.

Globally Fluent
We defined the global law firm in the 20th century - now we’re re-defining it in the 21st. Our clients tell us our difference is fluency. Many law firms claim to be global simply because they have offices in many countries or do work for client in multiple jurisdictions, but none can claim to be globally fluent.

Fluency In The Way We Think
We have an instinctively global perspective and a deep understanding of the language and culture of businesses all over the world.

Fluency In The Way We Work
We have the ability to navigate legal complexity across practices and borders with ease, bringing the right team and expertise regardless of location. Many of our lawyers have long-standing, existing working relationships which we aim to utilise when building client teams; such close working relationships will mean a more co-ordinated, insightful service delivery to you. Our dedicated client teams provide consistency and build up a valuable understanding of our clients’ businesses.

Fluency In The Way We Behave
We are genuinely multi-cultural in our approach and passionate about open and highly collaborative relationships with each other and clients.

6. Cutting Edge Knowledge and Value Added Services
Baker & McKenzie has a broad array of value-added services to offer our clients. We have always been at the forefront of information technology and communications law - both as lawyers and trusted advisors to many of the leading technology companies. We share our knowledge and experience in many ways including the following:

Baker & McKenzie key facts
- 43 countries
- 70 offices
- 3,800+ lawyers
- Admitted to practice in 250+ jurisdictions
- Fluent in 75+ languages
- Covering every major commercial, financial and industrial centre in the world

“Baker & McKenzie is one of the few firms that are truly international.”
Chambers Global 2012

“They have one of the best networks around and also a great quality of service.”
Chambers Global 2011
Global Privacy Handbook
We publish this resource annually. The 5th edition was in March 2012. The Handbook is the collaborative effort of our specialized privacy colleagues throughout the Baker & McKenzie globally. Covering more than 36 countries, the Handbook provides a snapshot of core privacy laws, principles and concepts in many of the world’s major business centers, and highlights some of the key privacy and information management issues on which our clients frequently seek guidance.

BakerGPS Webinar Series
We hold global webinars on “hot topics” affecting Privacy, Data Protection and Information Management. These complimentary webinars provide clients with updates on legal developments along with cutting edge solutions. The webinars are recorded and can be played back at your leisure if you are not able to attend at any of the various transmission times.

LegalBytes
LegalBytes is the monthly e-publication designed for our clients and contacts who want to keep themselves updated on global legal developments in the technology and communication fields. It covers legal developments which are relevant to technology and telecommunications in their broadest sense, whether the client is the supplier or the customer of such goods and services.

Global Outsourcing Survey
Outsourcing deals have become increasingly complex. They are often negotiated under tight deadlines with limited resources, resulting in terms that do not always ensure that the arrangement will be a success. One of the biggest mistakes companies make in negotiating these contracts is focusing on strictly legal issues such as limitation of liability and indemnification rather than concentrating on setting terms to avoid problems from arising in the first place. To help clients get the most out of their outsourcing agreements, we surveyed global companies from a cross-section of industries to identify the top five factors they thought were most likely to cause them to lose value from these arrangements. The 2012 annual survey was launched in May 2012.

Extranet
We can offer a complimentary extranet to help manage matters, complex transactions or special projects customized to your specifications.

Hotline/Helpdesk
We can establish a hotline/helpdesk to address routine matters or instances of urgency all within a framework to increase service delivery while controlling cost.

Client Conferences
We would work on with dedicated agendas that you, the client, set. We bring a team of specialists to discuss your issues in a privileged setting – at no cost to you.

In-House Library Access
We can provide free access to our substantial library of in-house written publications on topics of particular interest and relevant to the medical device industry.
Baker & McKenzie has been global since inception. Being global is part of our DNA.

Our difference is the way we think, work and behave – we combine an instinctively global perspective with a genuinely multicultural approach, enabled by collaborative relationships and yielding practical, innovative advice. Serving our clients with more than 3,800 lawyers in over 40 countries, we have a deep understanding of the culture of business the world over and are able to bring the talent and experience needed to navigate complexity across practices and borders with ease.