Message from the Chair

We are looking forward to the Business Law Section 2015 Spring Meeting, which will take place April 15-18 in San Francisco. Register and join us.

In addition to the 60+ CLE programs offered, the Cyberspace Law Committee has a wonderful agenda planned:

- Arrive early on Wednesday, April 15, and join us for a short hike in the Redwoods in Marin County and/or dinner in Sausalito. See article below for more details.
- On Thursday, April 16, we have a full day of committee, subcommittee and task force meetings to move forward with the many projects that took shape at Winter Working Meeting. Access the schedule here.
- We are sponsoring three CLE programs:
  - Remote Disablement via the Internet - coordinated by John Rothchild - Friday, April 17, 10:30 AM - 12:30 PM
  - Right to Be Forgotten - coordinated by David Satola - Friday, April 17, 2:30 PM - 4:30 PM
  - Data Privacy Due Diligence in M&A Transactions - coordinated by Robert Bond - Saturday, April 18, 8:00 AM - 10:00 AM

We also have the committee dinner planned -- a fun way to enjoy San Francisco street food and your fellow cyberspace lawyers.

Read on for all the details, and register now. We look forward to seeing you in San Francisco.

Ted Claypoole, Chair

Business Law Spring Meeting

If you haven't yet registered for the Business Law Section 2015 Spring Meeting, April 15-18 in San Francisco, you still have time to do so!

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- On Thursday, April 17, 7:30 PM, we will join several other committees for a fun dinner at SOMA StrEat Food Park. The article below gives more details about this unique outing.

Register now. We look forward to seeing you in San Francisco. And don't forget
Cyberspace Law Committee Newsletter: ABA Business Law Section

11/5/2015

to book your hotel.

Cyberspace Law Sponsors Three Programs at Spring Meeting

Cyberspace Law Committee co-chairs have coordinated three cutting-edge programs for the BLS Spring Meeting:

Remote Disablement via the Internet. John Rothchild has assembled a stellar panel to discuss legal issues arising from the ability of vendors, manufacturers, and lenders to exercise continuing control over devices belonging to the Internet of Things, through remote disablement or reconfiguration of the devices. Friday, April 17, 10:30 AM - 12:30 PM.

The Right to Be Forgotten. "On the Internet, nobody knows you're a dog." But recent European law about the "right to be forgotten" has strained public policy and commercial interests about freedom of and access to information on the global Internet. This session will explore how EU law impact on-line privacy and US business. Join us on Friday, April 17, 2:30 PM - 4:30 PM, for this program coordinated by David Satola and Mike Kelly.

Data Privacy Due Diligence in M&A Transactions. Robert Bond will moderate an international panel that will explore the data privacy and related cyber security issues that should form part of due diligence in M&A and other corporate transactions. Saturday, April 18, 8:00 AM - 10:00 AM.

The Not-to-Be-Missed Joint Committee Dinner at Spring Meeting - April 16

Once again, the Cyberspace Law Committee has coordinated what promises to be the most fun committee dinner at Spring Meeting. Thanks to our former co-chair (and San Francisco resident) Jon Rubens, we will enjoy dinner under the stars at SOMA StrEat Food Park on Thursday, April 16. We once again will be joined by the Corporate Compliance, Corporate Counsel, Health Law and Life Sciences, Intellectual Property, White-Collar Crime, and Young Lawyer Committees, who know whom to hang out with for a good time.

SOMA StrEat Food Park, located just a 5-minute cab ride south of the Marriott Hotel, is a park with a rotating supply of 15-20 upscale food trucks. We have reserved the "School Bus" (a large, indoor-outdoor party space). Your dinner ticket gives you entrance into the park and the reserved private party space, along with food and drink vouchers that you can redeem at any of the food trucks and drink trucks in the park. We are most grateful to Ernst & Young LLP for sponsoring our dinner, which means that your ticket for all this is just $30!

Don't miss out on this event! You need to buy your ticket in advance and can do so here.

Special Cyberspace Law Excursion in San Francisco - April 15

The Cyberspace Committee has planned a group hike in the Redwoods just north of San Francisco, in Marin County's famous Muir Woods National Monument, which was designated a National Monument by Theodore Roosevelt in 1908 and was the first federal or state park in the Bay Area.

A small bus will pick up our group from the Ferry Dock in Sausalito on Wednesday, April 15 at 3:00 pm., following the 2:30 ferry from the Ferry Building in S.F. The bus will take us partway up the slopes of Marin's Mt. Tamalpais, for a fantastic view out over the Bay, and to a trailhead, from where we will enjoy a leisurely 1 1/2 - 2 hour hike down into Muir Woods. The bus will pick the group up at the Muir Woods entrance and drive us back to Sausalito for a (non-hosted / pay-on-your own) seafood dinner at the restaurant FISH in Sausalito by the boat docks on the North side of town (cash only so plan accordingly), after which the bus will take the group back to the Marriott in San Francisco.

The excursion will cost $30 per person, payable 1 week in advance, to cover the transportation, but not including the one-way ferry. The excursion is limited to 25 people, and the limit may have been reached by the time you read this. However, you can still join us at the restaurant for dinner. For more information, please contact Jon Rubens: Jon@jrlegalgroup.com.
Committee Doings

From the Mobile and Connected Devices Subcommittee  
*Co-chairs Richard Balough and John Rothchild*

The subcommittee will be presenting a CLE program at the spring meeting, titled "Losing Control: Who Owns Your Devices Now That They Are Connected to the Internet?". Moderated by John Rothchild, the program will include four speakers representing a range of viewpoints. It will address issues arising from the vendor's continuing control of devices belonging to the Internet of Things. To what extent can it be said that these devices belong to the consumer who purchases and uses them, given the ability of vendors, manufacturers, and lenders to disable them, update them, change their functionality, and acquire data from them via the network?

The subcommittee will also have a business meeting to develop ideas for new projects. All are welcome to attend.

From the International Trade Subcommittee  
*Co-chairs John Gregory and Hal Burman*

The subcommittee continued its twice-monthly conference calls, jointly with the SciTech Section, continuing to review developments at a number of regional and multilateral international bodies, both to keep up with cross-border e-commerce law developments and to decide priorities for the next calls and which developments to weigh in on.

Topics included developments at UNCITRAL's Working Group III on cross-border e-dispute systems; ASEAN (Association of South East Asian Nations); UNESCAP (UN Economic and Social Council for Asia and the Pacific), and UNECE's CEFACT (UN Economic Commission for Europe's Trade facilitation Center), and others. The main document for discussion was a review of developments at a number of regional and multilateral bodies posted on the subcommittee's webpage.

The subcommittee will focus its next call on UNCITRAL's Working Group IV work on cross-border transferability of rights via computer systems, so that we can provide input in advance of the WG's next meeting late May in New York.

After that, possible priorities (which get reviewed on each call) suggested for the next Subcommittee calls and work were: UNCITRAL's Working Group III on e-dispute systems for cross-border e-transactions; CEFACT's projects on Single Window interoperability and a Russian proposal for transborder e-commerce; tracking Uniform Law Commission (ULC) e-projects which implicate cross-border transaction issues, and others.

*The next Subcommittee call will be Wed March 18 at noon EDT. All are welcome to join in. Links to docs expected to be on the table will be posted on the Subcommittee web page.*

Updates Proposed to Brazilian Data Protection Law  
*By Renato Opice Blum and Renato Leite*

On January 28, on the Data Protection Day, the Brazilian Ministry of Justice requested comments and suggestions about a new version of the Data Protection Bill. Brazil currently only holds sectorial protection to personal data. The consultations will last until April 30th, and are open to anyone through a website ([http://participacao.mj.gov.br/dadospessoais/](http://participacao.mj.gov.br/dadospessoais/)). Some of the main changes from the 2010 law include:

1. **Personal data**: the concept of personal data was widened. This was influenced by current discussions in Europe towards updating the data
2. **Sensitive data**: sensitive data can now be collected, treated and processed in more cases, as long as there is proper consent, which has received some guidelines on the text and must be different and separate from the regular consent.

3. **Consent**: the requirements to obtain consent and which information must be given to the subject have been broadened. The subject must be told the specific purpose for collecting and processing the data prior to obtaining his consent.

4. **Right to denial**: subjects must have the right to deny the collection of their personal data without limiting their access to the services, with some exceptions.

5. **Data protection authority**: the previous version of the text clearly created a separate and independent data protection authority. The new version excluded this chapter of the text, referring to a "competent authority", without defining what will constitute it.

6. **Data breach notifications**: any data breach that might cause damage to the data subject must be immediately communicated to the "competent authority" and to the data subject.

7. **Privacy officer**: companies will have to employ Privacy Officers who will be responsible for overseeing compliance with the law. They will also serve as a bridge between the company and the "competent authority".

8. **Binding Corporate Rules - BCRs**: a long standing tool in the EU data protection system, Binding Corporate Rules are now included in the new bill, which can broadly enhance the flow of data until the Brazilian legal system adapts itself to the new data protection environment;

9. **Global corporate rules**: the possibility of data flow within the same corporate structure was added.

10. **Liability**: the earlier law imposed strict liability on companies that mishandled personal data. The current version applies subsidiary liability and also lists possibilities for absence of liability.

11. **Vacatio Legis**: companies will now have 90 days to adapt to the new data protection rules, 30 days more than before.

In parallel to the public consultations about the Data Protection Law, the Brazilian Ministry of Justice is also holding a consultation about the regulation of the recently enacted law which establishes the Brazilian Civil Rights Framework for the Internet, commonly known as "Marco Civil" ([http://participacao.mj.gov.br/marcocivil/](http://participacao.mj.gov.br/marcocivil/)). The text as a whole must be regulated by a presidential decree, which will provide possible interpretations to its provisions. On top of that, some sections of the law call for specific regulations. These include the areas of net neutrality, information security technical standards, reporting to the competent authority, penalties for non-compliance, and the retention of access logs.

*The authors are with Opice Blum, Bruno, Abrusio e Vainzof Advogados, a law firm based in São Paulo, Brazil. Their firm's website is [www.opiceblum.com.br](http://www.opiceblum.com.br).*

### Other Programs of Interest

**Encryption for Lawyers: The Time Has Come**  
March 17, 2015  
Location: N/A  
Format: Webinar

**Bitcoins: What You Need To Know About Virtual Currency**  
March 25, 2015  
Location: N/A
In addition to reporting on the committee's work and what its members are up to, we'd like the newsletter to include articles on topics of interest to members. Articles should be 250-500 words, timely, and original content not already published elsewhere. To submit an article or ask questions, please contact the editor, Lois Mermelstein.