



THE HOSPITALITY LAW CONFERENCE: SERIES 2.0

October 3, 2018



Washington, D.C.

Data Privacy & Security What the Hospitality Industry Needs to Know

2018 HOSPITALITY
LAW CONFERENCE:
WASHINGTON D.C.

OCTOBER 3



Sandy B. Garfinkel

Member, Eckert Seamans

- Chair, Data Security & Privacy Group
- Member, Hospitality & Gaming Group
- Practice focuses on data privacy, GDPR, breach planning and response in the hospitality industry



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A High-Exposure Industry

- Payment Cards
- Employee turnover
- Integration of Multiple Computer Systems



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The New Factor: GDPR

- General Data Protection Regulation
- Effective May 2018
- Fundamental Right to Privacy for individuals within the EEA



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GDPR Protects EVERYTHING

Massive expansion
compared to
traditional U.S.
notions of “PII”

- Name
- E-mail
- IP address
- Biometrics
- Behavior
- Cultural/Social Identity
- Etc. Etc. Etc.



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GDPR Reaches Across the Ocean

Extraterritoriality

- Have a presence in the EEA
- Offer or provide goods/ services to people in the EEA
- Monitor the behavior of people in the EEA

BUT...

Does it apply to my business??



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You May Have No Choice

- Franchisors: Through franchise agreements and brand standards
- Third party contracts may demand compliance



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Compliance is a HUGE headache

- Disclosures/Affirmative Consent
- Data Subject Rights
- Legal & Business Justifications
- Safe Practices/Procedures (“privacy by design”)
- Retention/Destruction
- Data Processing Agreements



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The Enforcement Question

- Fines: €20,000,000 or 4% of annual gross revenue
- Private right of action



**BUT HOW WILL THEY GET
U.S. COMPANIES?**



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Aaand... Here Come the U.S. States

California Consumer Privacy Protection Act

- Effective Jan. 1, 2020
- Any entity doing business in CA

New York DFS Security Regulation

- Only covers banking, financial services and insurance industries, but stay tuned...



What About Insurance?

YES: Highly Recommended

Get with your broker ASAP:

- Do you have cyber coverage?
- Does it include GDPR?



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THANK YOU

