

Growing Compliant: Integrating Privacy Programs Following Corporate Mergers

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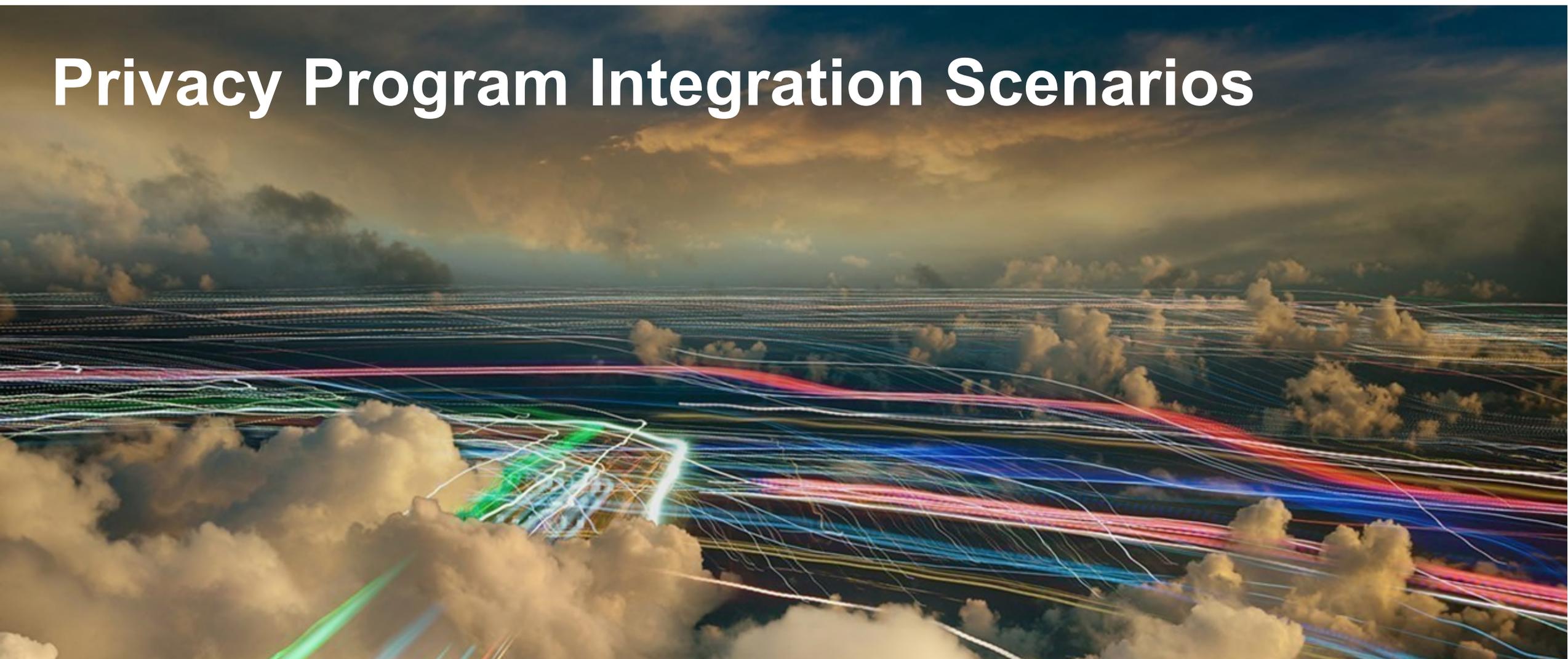
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- Privacy Program Integration Scenarios
- Integration Headaches
- Best Practices / Lessons Learned

Privacy Program Integration Scenarios

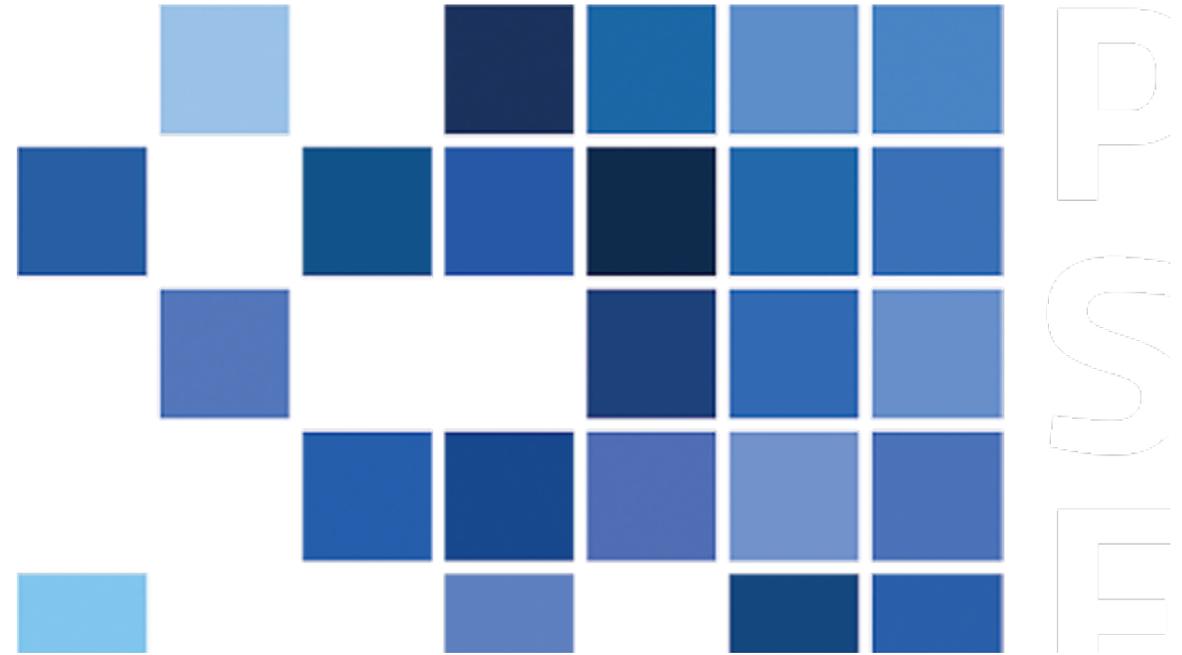
The background of the slide is a digital illustration. It features a dark, cloudy sky at the top, transitioning into a vast field of white, fluffy clouds. Overlaid on this scene are numerous vibrant, multi-colored light trails in shades of blue, red, green, and white. These trails appear to be data streams or network connections, crisscrossing the space and creating a sense of dynamic movement and connectivity.

Mergers & Acquisitions (M&A)

Deal type: Differences between asset and stock purchases in terms of shaping privacy issues?

When should integration work begin relative to the deal timeline?

How soon, from our experience, can companies integrate product and marketing after closing? How should legal and compliance communicate that timeline to other stakeholders?



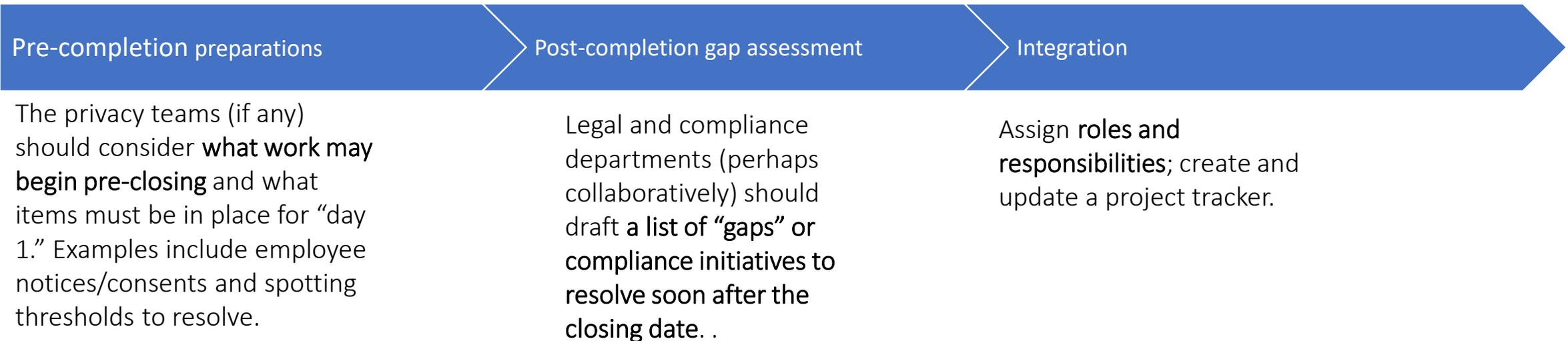
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- Transfer / Integration of Databases
- Review of Data Transfer Mechanisms
- Notification of / Registration with Regulators
- Notice to Data Subjects
- Privacy Notice Updates
- Preserve Continuity on Data Rights Requests
- Data Mapping / RoPA Update

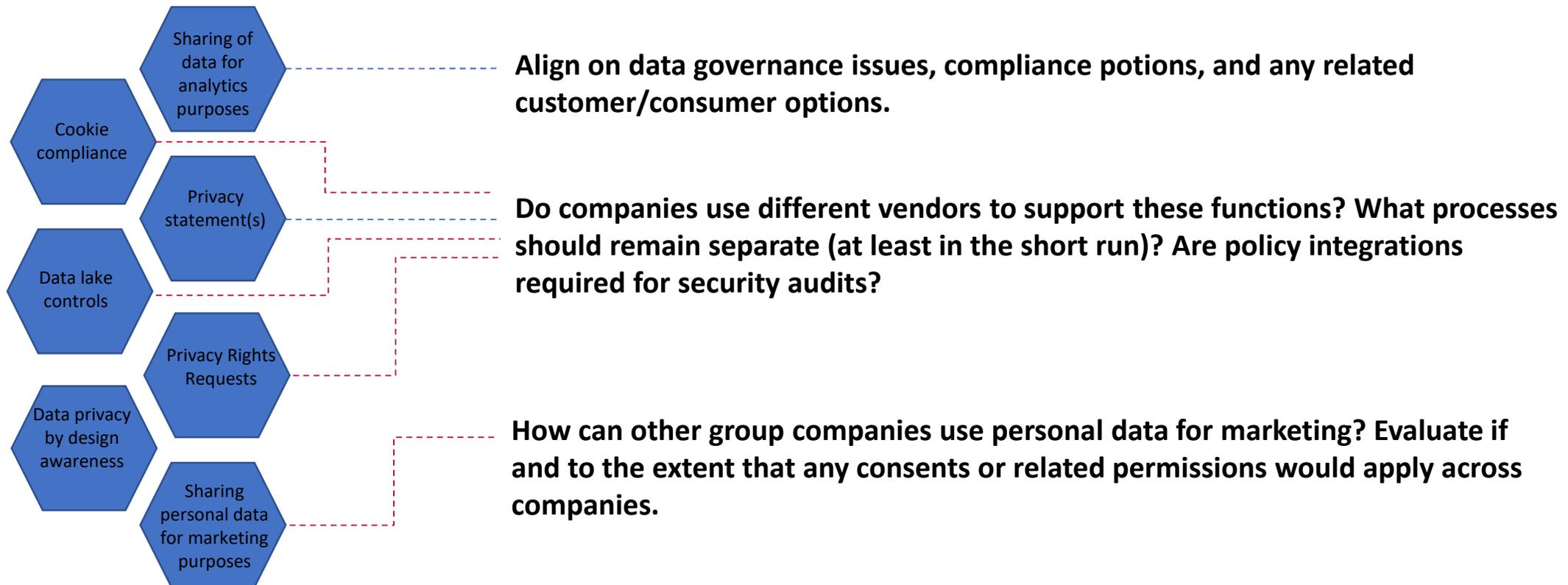


Integration preparations timeline

Onboarding and integration projects may range from simple onboardings requiring little input from the acquiring company’s privacy team to large cross-jurisdictional projects involving multiple stakeholders. In each case, it is important to remember to obtain an appropriate executive buy-in — this applies particularly to senior managers of the acquired business who may not necessarily prioritize privacy compliance and secure for an appropriate budget.



Integration



Integrating Privacy Programs – Selected Topics

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What legal and operations hurdles does database integration trigger?

1. How to honor consents that only one of the parties collected? Are marketing consents transferable across entities?
2. To that end, what if one company is subject a regulatory regime requiring consent that another party to the merger is not?
3. Where enterprise-DSP response is required, how should companies integrate DSR compliance?
4. What if companies have categorized cookies differently or taken a different approach to online tracking compliance? How can companies combine such online tracking data? What if only one responds to GPC signals?

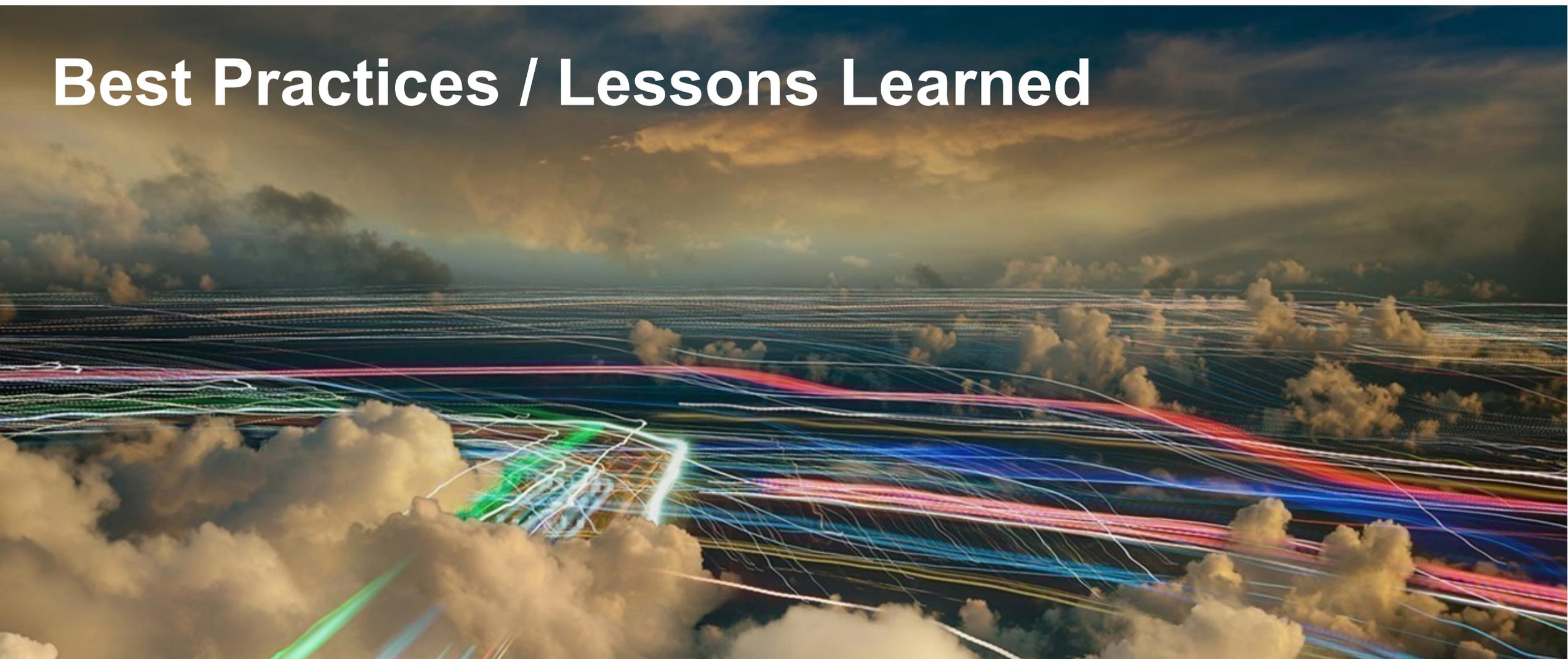
Questions for the panel?

- 1) How do you resolve **opposing compliance positions**, such as one company acting as a controller and another as a processor?
- 2) How should legal and compliance socialize any new privacy procedures across the new enterprise?
- 3) What to do if companies have historically had different **tolerances** for compliance risk?

Questions for the panel?

- 1) What to do if companies have executed **different sets of SCCs** with customers, including different supplementary measures?
- 2) How to **communicate new data storage (or transfer) arrangements to customers?**
- 3) What about **internal** global data transfer documents?

Best Practices / Lessons Learned

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Due Diligence is Critical

- Verifying a target's legal compliance is not alone sufficient.
- Diligence should also consider if companies' operations and cultures are compatible, for example: (i) are processing roles aligned (e.g., controller/processor), (ii) is an acquirer content buy a company that sells data, and/or (iii) will buying the target open the acquirer up to new regimes (e.g., a global footprint)?

Recap - Finding the Source of Truth

- **Discussion for the Panel:** In a merger of equals, who should get the final say regarding compliance and integration decisions?
- Is there any way to walk back prior statements made to customers/consumers and regulators? If so, does the more privacy protective company practically speaking, set the standard following a merger?



Any Questions?

Locations

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