



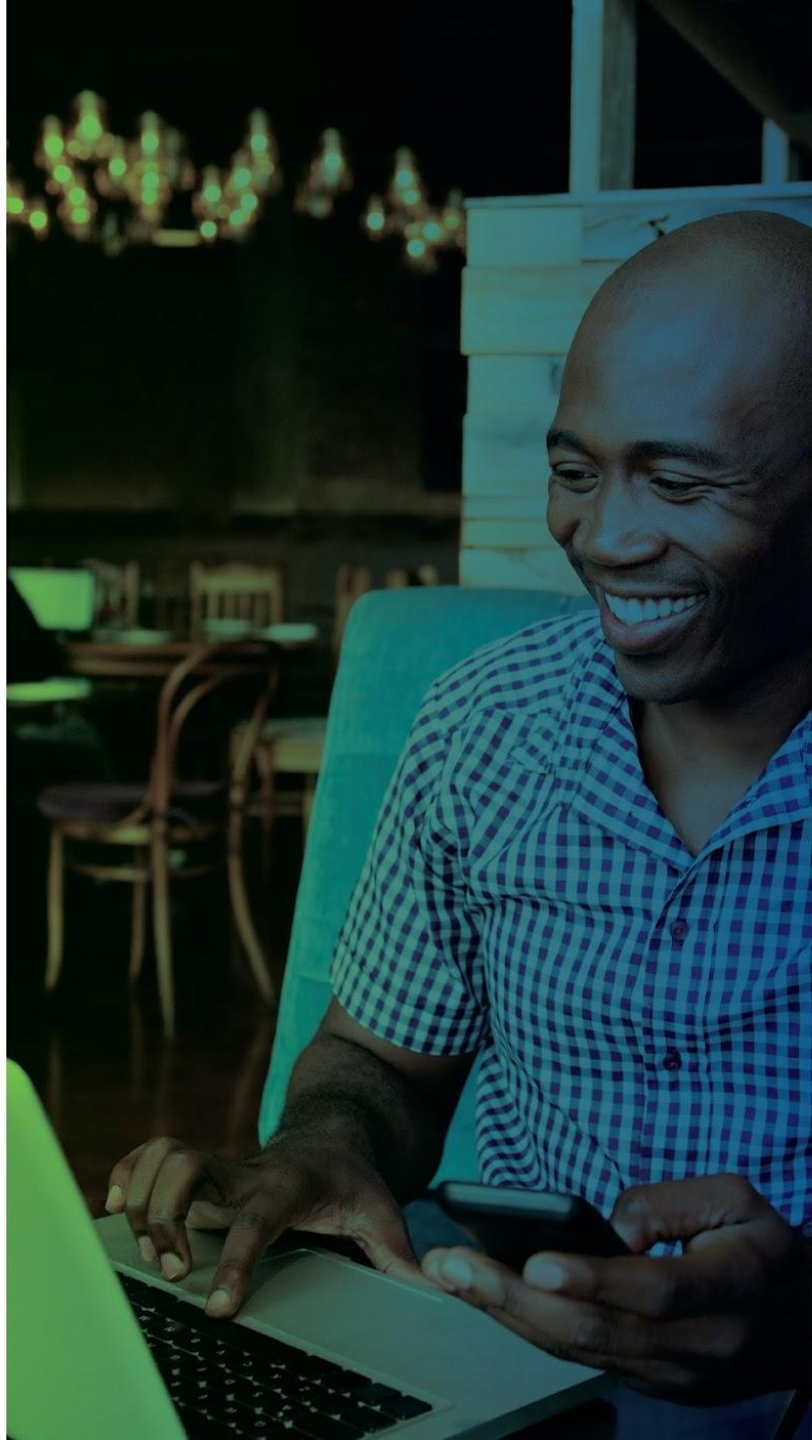
Data brokers unveiled: How to vet and choose wisely for B2B sales/ marketing

Tuesday, 23 July

07:00-08:00 PDT

10:00-11:00 EDT

16:00-17:00 CEST



Welcomes and Introductions

Panelists



Odia Kagan

Partner and Chair of
Data Privacy
Compliance &
International Privacy
Practice at Fox
Rothschild LLP



Assaf Gilad

Head of Legal &
Compliance at Lusha

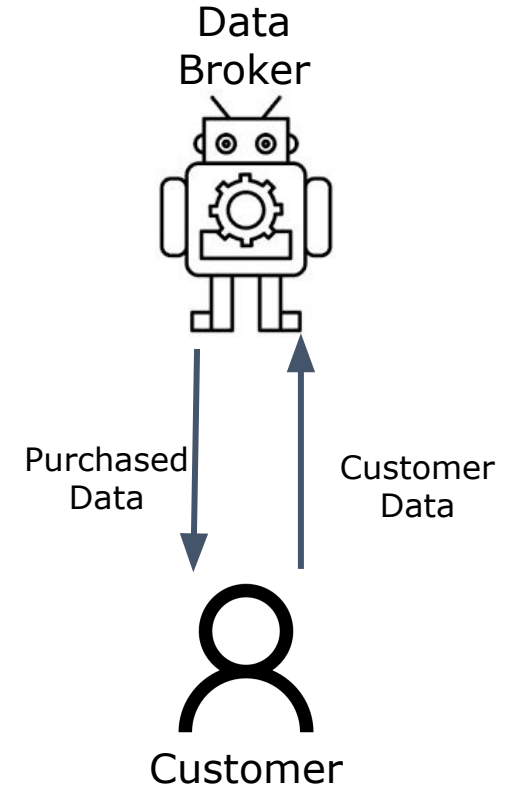


Calum Docherty

Associate and a member of
the Data & Technology
Transactions Practice at
Latham & Watkins

What will we cover?

- **Data broker:**
 - Collects and sells personal information of data subjects to third parties, without direct relationship with the data subjects.
- **Use cases:**
 - Lists of new prospects, with contact information
 - Enrich/update your existing list of prospects.
- **B2B vs. B2C:** We will cover B2B only.



Recent Trends

- **Legislation / Enforcement:**
 - US: Data brokers registry; DELETE Act; APRA; FTC (X-mode)
 - EU: Increasing enforcement, focus on notice, lawful basis of processing; complaints draw attention to data broker models
- **Guidance:**
 - US: FTC; CFPB (transparency; diligence; consent; rights)
 - EU: Focus on notice, rights, importance of diligence
- **Crowded Market:**
 - Lots of promises - how to cut through the noise?

Selecting a broker - diligence questions:

Issue	US	EU
Where is the data from?	Publicly available? Terms of Service issues (LinkedIn v. HiQ)	Fairness & lawfulness Dark patterns; web scraping issues
<i>Questions to consider</i>	<ul style="list-style-type: none"> - Is data exempt from data privacy protections? - Is it fair/non-deceptive and lawful to use the data in this way? 	
Is the data accurate?		Article 5 GDPR
<i>Questions to consider</i>	<ul style="list-style-type: none"> - Processes in place for accuracy. - Ability to correct data? - Can you request a data sample? 	
Do people know about the data use?	CCPA - Notice/transparency	Articles 13/14 GDPR
<i>Questions to consider</i>	<ul style="list-style-type: none"> - What does the notice contain? - Common issues in diligence. 	

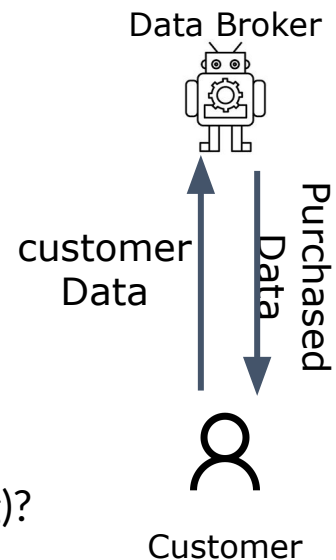
Selecting a broker - diligence questions:

Issue	US	EU
Data Subject Rights	CCPA; California DELETE Act	Article 17 Right to erasure ('right to be forgotten') Article 19 Procedures
<i>Questions to consider</i>	<ul style="list-style-type: none"> - Do people have the ability to opt-out? - What if the broker gets a deletion request/opt-out - how is this passed through? 	
Is the data scrubbed?	DNC Lists/Marketing Opt-Out Lists	Local DNC lists - e.g., TPS
<i>Questions to consider</i>	<ul style="list-style-type: none"> - Do you need to take additional steps to comply with local marketing laws? 	
Broker privacy compliance	Data Broker Registration in California, Oregon, Vermont, Texas,	Governance (DPO, etc.?)
<i>Questions to consider</i>	<p>Is there any ongoing privacy litigation, regulatory investigations, or adverse rulings against the data broker? Are there any third party auditors who can attest data privacy, data security compliance?</p>	

Contracting Considerations

Issues to consider:

- 01 Representation for the collection and sale (fit for purpose) vs. the use of data by the customer (FTC / CCPA)
- 02 GDPR & CCPA compliance and/ or ISO 27701 Accredited Certification
- 03 Privacy Notice Process (e.g., CCPA/State laws; Article 14 GDPR)
- 04 Opt-Out Process (e.g., CCPA/State laws; DELETE/Data Broker laws; Article 19 GDPR)
- 05 Data Usage Post-Termination
- 06 Role of the parties:
 - Business/Third Party; Controller/Controller (for data sold); Controller/Processor (for data cleansing)?



You have the data. Now what?

Issue	US	EU
Notice	Generally: At or before the data is collected; Broker: available in the notice	First communication, or within 30 days.
<i>Questions to consider</i>	- Must include compliant information	
Consent required?	State and federal <u>marketing</u> laws vary. Your responsibility.	National <u>direct marketing</u> laws vary. Your responsibility.
<i>Questions to consider</i>	<ul style="list-style-type: none"> - Your responsibility to comply. - Method: B2B vs. B2C - national laws 	
Rights / DNC Sales, Recruiters	B2B exemption - no robocalling / SMS	TPS/CTPS - B2B exemption in some countries
<i>Questions to consider</i>	- How do your sales team want to use this? Email, SMS (postal unlikely), live calls, robocalls	

Data cleansing specifics - Best Practices Before Granting Data Brokers Access to Company Systems

- 01 Prohibit data vendor to sell your own data
- 02 Purpose-limited data usage assurances : Privacy By Design assurance (ISO 31700)
- 03 Security standards (ISO27001, SOC 2, STAR)
- 04 EU data localization (including subprocessors)
- 05 AI Training - not on publicly available AI platform



Compliance & security certification

Accredited



ISO 27701

International standard for privacy management within development, sales and support of Lusha platform



ISO 27001

Information security management system of development of the Lusha platform - B2B data enrichment, verification and prospecting services



ISO 27018

Information security management system of development of the Lusha platform - B2B data enrichment, verification and prospecting services



ISO 31700

Privacy by design within development, sales and support of Lusha platform

Privacy By Design



iapp

Corporate member of the International Association of Privacy Professionals.



CCPA Compliant

Audited and validated by leading global independent auditors TrustArc.



GDPR Compliant

Certified by European independent auditors ePrivacyseal GmbH.



TRUSTe

Certified enterprise privacy and data governance seal.



SOC2

Service Organization Control (SOC) 2 Type II Report.



Questions and Answers

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