



IAPP Privacy. Security. Risk. 2025

Training 28-29 October

Workshops 29 October

Conference 30-31 October

SAN DIEGO

#PSR25

In with the In(vestigation) Crowd

a tabletop exercise



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WELCOME AND INTRODUCTIONS



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DISCLAIMER

Speakers' comments and remarks are made in their personal capacity and are not made on behalf of their firm, company or agency.

The scenario presented today is fictitious and is not a depiction of any actual company, firm, regulator, nor of any specific regulatory process.

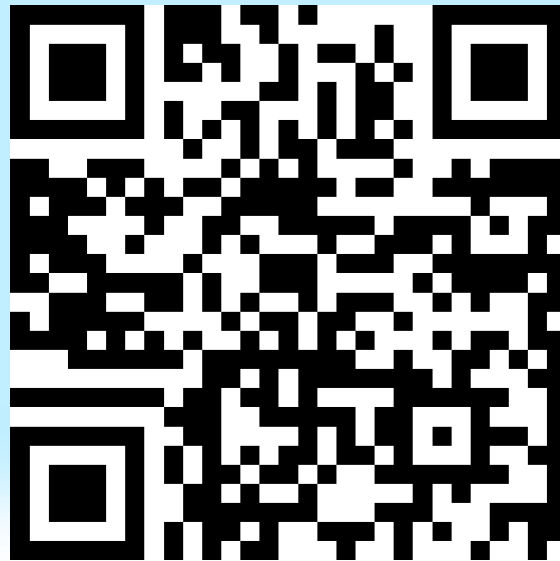
AGENDA

- | | | |
|-------|--------------------------------|-----------|
| I. | The Babubu Story | 3:45-3:55 |
| II. | The Law | 3:55-4:00 |
| III. | The Incidents | 4:00-4:05 |
| IV. | The Letter | 4:05-4:10 |
| V. | The Outside Counsel Discussion | 4:10-4:15 |
| VI. | The Meet and Confer | 4:15-4:20 |
| VII. | The Investigation Response | 4:20-4:25 |
| VIII. | The Draft Complaint | 4:25-4:30 |
| IX. | The Settlement Negotiations | 4:30-4:35 |
| X. | Discussion | 4:35-4:45 |

Poll

Have you dealt with a regulatory investigation?

YES | NO



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THE PLAYERS



Our Narrator and Guide



**CPO of Babubu –
E-commerce
Platform**



**Regulator at State
of Toyin Privacy
Protection Agency**



Outside Counsel



I. The Babubu, Inc. Story



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II. The Law



- Prohibition against deceptive statements
- Purpose limitation
- Data minimization
- Consumer data rights requests
 - Right to opt out of sale
 - Deletion
- Per violation fines

III. The Incidents



WHAT SHOULD LARA DO?

- A. Babubu dolls are on sale—buy a whole bunch
- B. Go right to court
- C. Investigate and contact Babubu



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IV. The Letter



IV. The Letter

UDAP

1. Deceptiveness
2. Unfairness – Failure to Implement Deletion Program

Toyin Data Protection Act (TDPA)

1. Failed to honor deletion requests
2. Failed to provide notice of proper methods to request deletion
3. Failed to respond to requests in a timely manner

WHAT SHOULD PAOLA DO?

- A. Acknowledge receipt and seek counsel on best next steps
- B. Ignore the letter - hope the DPA will just go away
- C. Send a response taking an aggressive stance on Babubu's right to collect and use data



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V. Outside Counsel Discussion



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V. Outside Counsel Discussion

- Preservation notice
- Exploring merits of the underlying case
- Discussing any requests that seem unclear
- Getting preliminary understanding of facts\
- Reasonableness of scope & timing

WHAT SHOULD BABUBU DO ABOUT CONFIDENTIAL DATA?

- A. Refuse to provide confidential information
- B. Seek a protective order
- C. Raise its concerns with the DPA



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VI. Meet and Confer

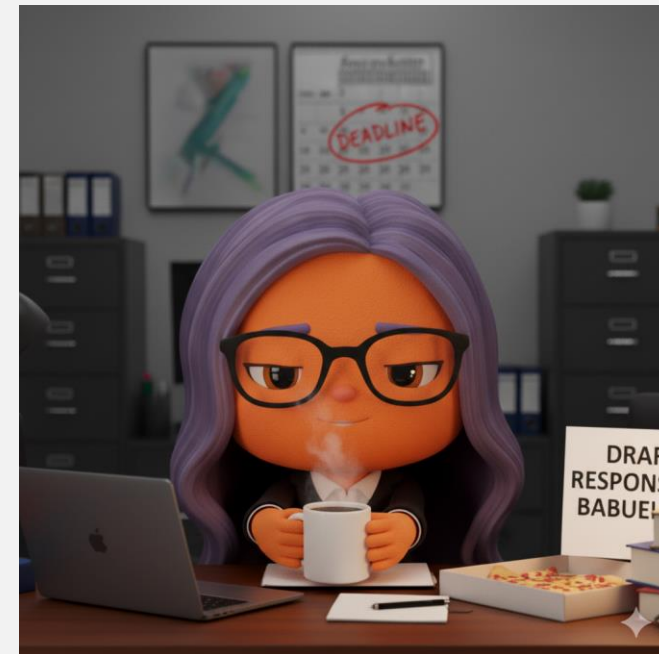


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Meet and Confer

- Understanding requests
- Exploring (and possibly narrowing) the scope of the case
- Confidentiality of response
- Tolling agreement

VII. Investigation Response



VII. The Investigation Response

- Divide and conquer – Determine sources of docs / information
- Document requests
- Prepare documents for submission
- Conduct internal interviews
- Draft responses

VIII. The Draft Complaint



WHAT SHOULD SUSAN RECOMMEND TO THE CLIENT?

- A. Agree to explore settlement
- B. Start selling stock in Babubu Inc.
- C. Force the Toyin DPA to take them to court
- D. Offer to prepare a white paper on the weaker claims



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IX. Settlement Negotiations



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IX. Settlement Negotiations

- Scope of Order
 - Definitions of products / services
 - Systems in scope
 - Timeline of order
- Fine amounts
- Press Release

X. Discussion



Our Narrator and Guide



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Agency State of
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X. Discussion



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How Did Things Go? (We Really Want To Know)

Did you enjoy this session? Is there any way we could make it better? Let us know by filling out a speaker evaluation.

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Thank you!

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