
Thursday, February 3 (all times EST)**8:35 — 8:45 Log-in****8:45 — 9:00 Welcome & overview**
([Gerlach](#), [Weinlein](#))**9:00 — 10:15 [Session 1] International Litigation Principles, Second Edition**
([Backhouse*](#), [Brady](#), [Kessler](#), [Weaver](#))

A panel of WG6 drafting team members will lead a dialogue with all attendees on their latest draft of a second edition of the International Litigation Principles, which includes a seventh principle on data security.

Required Materials:

- 1.1 The Sedona Conference Draft International Litigation Principles, Second Edition
- 1.2 The Sedona Conference International Litigation Principles (Transitional Edition)

10:15 — 10:30 Break**10:30 — 11:45 [Session 2] Proportionality in cross-border discovery**
([Calvert](#), [Holland](#), [Meyers](#), [Thomas*](#), [Zogby](#))

A panel of WG6 drafting team members will lead a dialogue with all attendees on their draft on the topic. A number of U.S. courts have used a Federal Rule of Civil Procedure 26(b)(1) proportionality analysis to determine whether information residing outside the U.S. that is subject to foreign data protection or other laws restricting disclosure is discoverable in U.S. litigation. [The Sedona Conference International Litigation Principles](#) provides guidance on balancing potential conflicts between U.S. litigation requirements and non-U.S. data protection laws, and specifically references Rule 26(b)(1) in this context. There is no stand-alone guidance on these issues from The Sedona Conference, however, and the drafting team has prepared a draft stand-alone Commentary on the applicability of the Rule 26(b)(1) proportionality analysis to cross-border discovery involving non-U.S. data protection laws and regulations.

Required Materials:

- 2.1 The Sedona Conference Draft Commentary on Proportionality in Cross-Border Discovery

11:45 — 1:00 Break

Thursday, February 3 (all times EST)**1:00 — 2:15 [Session 3] Cross-border discovery & disclosure case law update***(Conlon, Francis, Schröder, Withers*)*

The panel will lead a dialogue on recent judicial decisions and enforcement actions addressing data transfers to meet cross-border disclosure and discovery requirements.

Required Materials:

3.1 Annotated Bibliography of 2020-21 Case Law and Regulatory Activity

2:15 — 3:30 [Session 4] New technologies: Challenges and opportunities for practitioners*(Belt, Jones*, Mancari, Milner)*

Technologies that promise significant business advantages often pose challenges for compliance with privacy regulations. This panel will explore three trends – the increased use of collaboration tools, reliance on social media, and transfer of data to the cloud – and discuss both technical and practical ways that an enterprise can take advantage of these opportunities while still respecting privacy rules.

Recommended Materials:

4.1 The Sedona Conference *Commentary on Ephemeral Messaging*

4.2 Text, metadata, and disaggregated data for Cross-border eDiscovery/Disclosure and Data Privacy/Security Matters

3:30 — 3:45 Break**3:45 — 5:00 [Session 5] WG6 town hall***(Fedeles, Francis, Gerlach*, Hoffman, Mancari, Matus, Myers, J., Schröder, Shonka, Sterling)*

The panel will lead a dialogue amongst the attendees on progress made on the work product of the Working Group, and by the Working Group as a whole. WG6 member input will be sought regarding the future direction of WG6, including ideas for existing and new commentaries and projects, with a particular focus on the European Union Committee and a second edition of [The Sedona Canada Commentary on Enforcing Letters Rogatory Issued By an American Court in Canada](#).

Recommended Materials:

5.1 The Sedona Canada Commentary on *Enforcing Letters Rogatory Issued By an American Court in Canada: Best Practices & Key Points to Consider*

5:00 — 5:10 Day 1 Closing Remarks

Friday, February 4 (all times EST)**8:50 — 9:00 Log-in****9:00 — 10:30 [Session 6] Data protection authority (DPA) roundtable***(Ambrock, Bernier, Hayward, Matus*, Wimmer)*

Global data protection authorities will lead a dialogue on their respective challenges, enforcement priorities and advisory roles under their data protection regimes. They will present their views on the most important legal issues and questions awaiting resolution under the data protection regulatory regimes they administer. Topics will include emerging data protection trends and regulations, cooperation and collaboration among and between different DPAs, intra-country differences, cross-border data transfers, artificial intelligence, and the potential convergence of global data protection laws.

Recommended Materials:

- 6.1 Chantal Bernier and Sasha Coutu, *Signs of things to come in Canadian privacy law reform and action to take now*
- 6.2 Bill 64 modernizing Québec privacy law: A practical guide, Dentons

10:30 — 10:45 Break**10:45 — 12:00 [Session 7] Cross-border data management: Addressing new regulations***(D'Ambra, Ferraro, Hahn, Hoffman, Sherer*)*

Effective cross-border data management helps to ensure that enterprise data is organized and useful by maintaining data's accessibility, accuracy, and security consistent with evolving legal and regulatory requirements worldwide. This panel will discuss some key considerations specific to cross-border data management, including varying definitions of personal data, restrictions on data use and transfer, consent management, the complexities of interoperability in a non-harmonized data protection landscape, and the advantages and disadvantages of global, regional, or local approaches to data management program implementation.

Recommended Materials:

- 7.1 James A. Sherer and Taylor M. Hoffman, *Cross-Border Legal Holds: Challenges and Best Practices*

Friday, February 4 (all times EST)

12:00 — 1:00 [Session 8] International electronic information management, discovery, and disclosure in the Middle East

(Baker, Kemnitz, Madar, Wilkinson)*

The WG6 Middle East Committee's mission is to monitor developments in Middle Eastern countries in data privacy, protection, and cross-border transfer laws and regulations as they relate to information governance, eDiscovery and eDisclosure and to conduct outreach to legislators and relevant regulators in order to further dialogue and move the law forward in a reasoned and just way. The Committee is likewise focused on keeping the membership informed about emerging issues and developing useful resources for practitioners, jurists and companies with interests in the region. During this session, members of the Committee will provide updates on the latest developments in the Middle East and the various projects of the Committee.

Required Materials:

- 8.1 Draft - Road to Adequacy
- 8.2 Draft Outline - Managing the tension between government information requests and data protection obligations in the Middle East context
- 8.3 Draft Outline - Emerging data protection
- 8.4 Working Draft of Bibliography of Sources on Data Privacy in the Middle East

1:00 — 1:15 Closing Remarks