

Monday, January 14

7:15 — 8:15 Breakfast & Sign-In

8:15 — 8:30 Welcome & Overview

8:30 — 9:30 International arbitration

A panel of WG6 brainstorming group members will lead a dialogue with all WG6 members in attendance on their outline on the topic. The brainstorming group has been considering the applicability of [The Sedona Conference International Litigation Principles](#) to international arbitrations involving cross-border transfers of data and associated data protection and cross-border discovery and disclosure issues, and whether an appendix to the [International Litigation Principles](#) would be appropriate or whether a stand-alone publication might be preferred.

9:30 — 10:45 Choice of law for data in the international context

A panel of WG6 drafting team members will lead a dialogue on their second draft of a Commentary on the topic. The dialogue will focus on the clarifying principles and proposals to guide decision-makers in resolving choice of law issues with respect to data traveling across international borders, as set forth in the draft Commentary.

10:45 — 11:00 Morning Break

11:00 — 12:00 Ephemeral data

A panel of WG6 brainstorming group members will lead a dialogue with all WG6 members in attendance on their outline on the topic. The brainstorming group has been exploring whether WG6 should prepare a Commentary and/or develop best practices on ephemeral data issues in cross-border legal actions and investigations. Organizations and individuals commonly use ephemeral communications and often view doing so as appropriate and helpful to address data minimization requirements under data protection frameworks, including the European Union General Data Protection Regulation (GDPR). However, capture and preservation of ephemeral data to meet legal obligations presents unique challenges. The brainstorming group has been assessing these tensions and preparing recommendations.



The Sedona Conference Working Group 6
on International Electronic Information Management,
Discovery and Disclosure

2019 Annual Meeting

Don CeSar Hotel, St. Pete Beach, FL
January 14-15, 2019

AGENDA

Monday, January 14 (Cont.)

12:00 — 1:00 Lunch

1:00 — 2:15 EU regulatory developments & cross-border discovery case law update

Following up on a dialogue started at the WG6 meeting in Budapest, Hungary, in June 2018, WG6 EU task force members and U.S. jurists will explore WG6 efforts to engage with DPAs, recent EU regulatory developments, and the latest case law from U.S. and EU courts which impacts – or could impact – cross-border discovery and investigations.

2:15 — 3:30 Cross-border discovery & investigations and data protection laws update: APAC, South America and the Middle East

The panel will lead a dialogue on recent developments in the APAC region, South America and the Middle East affecting cross-border discovery and investigations. The panel, which includes members of WG6's APAC, Latin America and Middle East Committees, will also consider practical guidance for practitioners, in light of these key developments.

3:30 — 3:45 Afternoon Break

3:45 — 5:00 WG6 Town Hall

WG6 Steering Committee members will lead a dialogue amongst the WG6 members in attendance 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.

5:00 — 7:00 Reception (guests invited)

Tuesday, January 15

8:30 — 9:30 Breakfast & Sign-In

9:30 — 10:45 International legal holds

A panel of WG6 brainstorming group members will lead a dialogue with all WG6 members in attendance on their outline on the topic. The brainstorming group has been exploring whether a standalone publication on international legal holds would help move the law forward in a reasoned and just way by supplementing existing publications, including [The Sedona Conference Commentary on Legal Holds](#) (prepared by The Sedona Conference Working Group 1), which only issue spots re international legal holds, and [International Litigation Principles](#), its appendix on Cross-Border Data Safeguarding Process + Transfer Protocol, and [The Sedona Conference Practical In-House Approaches for Cross-Border Discovery & Data Protection](#), which focus on the entirety of the life cycle of cross-border discovery matters rather than focusing on issues arising solely from the legal hold process.

10:45 — 11:00 Morning Break

11:00 — 12:00 Dawn raids

A panel of WG6 brainstorming group members will lead a dialogue with all WG6 members in attendance on their outline on the topic. The brainstorming group has been evaluating whether WG6 should prepare and publish a Commentary, or otherwise identify best practices, to prepare companies for dawn raids or other criminal investigations that may involve multiple jurisdictions. To the extent this project extends the work started by [The Sedona Conference International Investigations Principles](#), it will probe more deeply into information germane to criminal law practice and procedure.

12:00 — 1:00 International Standards Organization (ISO) Code of Practice for Electronic Discovery

A panel of WG6 drafting team members will lead a dialogue on their draft Commentary on the topic. The draft Commentary aims to provide guidance on how the concerns raised by a preceding brainstorming group on the International Standards Organization (ISO) Code of Practice for Electronic Discovery (ISO/IEC 27050: Part 3) ("ISO Code of Practice") can be minimized – if not avoided altogether – while acknowledging that some organizations may seek certification of compliance with the ISO Code of Practice.

1:00 — 2:00 Grab-and-go Lunch