

VLP Partner Michael Whitener Quoted in article “Conflicting Data Policies Raise Compliance Challenges” for the Global Association of Risk Professionals

VLP Partner Michael Whitener was recently quoted in the article “Conflicting Data Policies Raise Compliance Challenges” for the *Global Association of Risk Professionals (GARP)*. The article reported on the challenges facing multinational businesses in the wake of the October 2015 European Court of Justice ruling that upended a United States - European Union policy on international data transfers known as the Safe Harbor Framework. Lacking a U.S.-E.U. “safe harbor,” international data transfers are now subject to inconsistent but largely more demanding privacy rules. The legal and compliance implications have become a major concern for these companies.

Acceptable data protections include notices of consent, model clauses and binding corporate rules. The article noted that small businesses are particularly in a difficult position since the Safe Harbor provided a low-cost route to compliance compared to the E.U. Model Clauses or binding corporate rules.

Michael said, “Binding corporate rules are something that’s designed for large companies; it takes a lot of time to get approval. These rules allow you to transfer data through corporate affiliates globally.”

He also added, “For smaller companies, model clauses are another solution, or getting consent from each individual whose personal data the American company is receiving, but that’s hard to do on a large scale, and an individual can still decide to change their mind and withdraw consent.”

The entire article may be accessed on the [GARP website](#).