



WORLD TRADE CENTER
AMSTERDAM

WTC TODAY

EVERYTHING WTC AMSTERDAM - SUMMER 2018

INTERVIEW

Privacy can't be left
to the market, says

PHILIP TER BURG

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Philip ter Burg

UNDERSTANDS THE IMPORTANCE OF PRIVACY

At the end of May, the EU's new General Data Protection Regulation came into effect. Philip ter Burg of law firm Buren NV has been following developments.

PHOTOGRAPHY: ANNE LAKEMAN

'The EU rules were already adopted in 2016 so they are not new,' says Philip ter Burg, a partner at WTC law firm Buren NV, in the 14th floor office overlooking both the A10 ring road and Strawinskyaan.

GDPR, as the new rules have become known, built on an earlier EU privacy directive and some 80% of the GDPR provisions were already in place before the May deadline. More than that, Philip points out, companies have had a two-year period to get ready for the changes. Despite this, no-one can have failed to notice the flurry of emails asking you to confirm that you have signed up for this and that mailing list – all part of last-minute efforts to comply with the new EU legislation which includes fines of up to €20m or 4% of global turnover.

RED TAPE

These emails, says Philip, are all necessary, although he wishes that the makers of the legislation had done more to exempt small firms and the self-employed from piles of privacy-related red tape. 'In Europe, we need to strike compromises between different countries and legal cultures,' he says. 'But GDPR does put a major administrative burden on companies. I'm not a politician or a lawmaker but I can imagine it would have been possible to put less of an administrative burden on small firms.'

Buren NV's main office is in The Hague but the firm has had an Amsterdam operation at the WTC for some eight years, starting out in A tower,

Privacy protection
Five issues every company needs to think about

- Are you processing other people's personal data?
- Do you need to process people's data?
- Do people know you are processing their personal data?
- Did they give you consent to process their data?
- Are your systems secure?

er, then moving to D and now to a large office on the 14th floor of C tower.

The firm, which is independent, offers a wide range of corporate legal services, from international tax planning to real estate and insolvency proceedings but its primary role is working for companies involved in international trade. Clients include Dutch, Japanese, Chinese, Russian, British and American companies, and the firm has offices in Beijing, Shanghai and Luxembourg. 'You could say we are a Dutch firm with a real international flavour,' says Philip, who studied law in Leiden and at Queen Mary's College in London, and joined the firm in 2000.

Thinking back 25 or 30 years, privacy was not such a big issue because, Philip says, we used to associate it with WWII and ID cards. 'But back then the means for processing personal data were very primitive, so in a sense privacy was protected be-

cause there were limits to what you could do with the information,' he continues. 'That has changed enormously, with the rise of internet and fast processing. Artificial intelligence may soon know us better than we know ourselves. Things like our likelihood of developing certain diseases or addictions could be analysed far better by machines, for example. So yes, it is extremely important that our data is protected by law.'

Another key aspect, says Philip, is the value of that information. 'Years ago personal data was not worth much because there was not much you could do with it. But today, it has become valuable, it is an asset. People can use it to influence your behaviour. Perhaps it is our primary asset – our own identity, our own data. So it is only right that we get more control of our personal data as well.'

ANARCHIC

As someone who has watched internet and social media develop - 'it was friendly, democratic and maybe anarchic,' – Philip has raised his teenage children to be aware of the dangers of over-exposure online. 'I've told them, "don't make selfies and put them online if you could be embarrassed about them in 10 years time". You do see a growing awareness about privacy among young people. They are aware of the risks. Everyone knows of examples and incidents in which people have been hurt or embarrassed by things online, so they are becoming more aware of the issues and learning to deal with them.'



**'THERE IS
A DANGER
TO PRIVACY
FROM MODERN
TECHNOLOGY'**

Of course, he points out, data protection involves more than just technology. 'I still have a brown leather lawyers briefcase full of files and I bring it with me to work. It contains a lot of personal data... so I can't permit myself to lose it in the train. That would be a data breach. USB sticks, paper files, talking in the pub after work or gossiping in the queue for lunch... these can all be risks.'

PRIVACY BY DESIGN

For companies, this means they have to be aware of privacy in all their business processes, he says. 'GDPR is privacy by design. Companies need to look at what they are doing with personal data and if it is necessary. How long are they keeping that information, do they have permission to use it and how is the integrity of personal data secured?'

'This is where you see the importance of rules,' he says. 'We can't leave it up to the market to protect our privacy. This is where we need rules because the individual will be at a considerable disadvantage compared with the big companies. And that is where the lawyers come in. We have the job of protecting the interests of both people and organisations.'

The most important thing for consumers, he says, is to check what the organisation you are giving your data to is going to do with it. 'If I buy an airline ticket I assume my data is processed for delivering a plane ticket and not for sending me newsletters and not for asking me for years to come if I would be interested in Portuguese wines or playing golf.'