

Rödl & Partner

ROUND THING

Digital Compliance in Mexico



DIGITAL COMPLIANCE IN MEXICO

As the General Data Protection Regulation (GDPR) in the European Union, in Mexico exists the Federal Law for Protecting Personal Data in Possession of Private Entities as of 2010. Both legislations mean that the future of Data Protection implies following stricter regulations, that if neglected, may lead to higher fines and more reputational damage for companies.

In the current era of communications, data treatment has become a common and important practice, for both public and private sectors, as they use it for developing their daily activities, such as: e-commerce, social media, transfer of information, acquiring services and even for hiring employees. That is why companies are more obligated than ever to protect personal data to avoid unnecessary liabilities and potentially incalculable damages if they want to continue increasing their position in the Mexican market.

Therefore, Mexican companies have to guarantee the safety of personal data by implementing effective administrative, physical and technical measures by ensuring its integrity, confidentiality and availability. Having an appropriate Data Protection program minimises the risk of legal action derived from identity theft, losses, unauthorised access, treatment or modifications, among others that may harm the company or third parties and may lead to inspections from the competent authorities.

In conclusion, Rödl & Partner can help companies in complying with all the legal requirements related to digital compliance, avoiding fines as well as the reputational damages associated with its breach.

DATA PROTECTION

The main goal of our services is to provide companies with the tools for obtaining, processing, analysing, using, filing, safeguarding and making available for the authorised parties all personal data that may be relevant for the optimal performance for its day to day operations while complying at all times with the Federal Law for the Protection of Personal Data in Possession of Private Entities (“Personal Data Law”) and its ancillary rules. Rödl & Partner Mexico’s Data Protection Department offers the following specific activities:

- Identification, record and correctly management of the areas where the company processes Personal Data;
- Identification of the interested parties (controlling officers) with their corresponding responsibilities and functions regarding personal data processing, including privacy risk management;
- Analysis of the compliance levels in specific processes such as:
 - Data transfer abroad;
 - Video surveillance, geolocation, employee monitoring, Data Protection in home office schemes, procedures, special rules concerning the usage of company equipment and e-mail servers;
 - Data processing records, risk assessment, organisational models and declarations of consent for handling and transferring personal data;
 - Preparation and publication of privacy notices;
 - A.R.C.O. (Access, Rectification, Cancellation and Opposition) rights procedures;
 - Designation of representatives before the competent authorities and creation of a Data Protection Committee;
 - Elaboration of Data Protection protocols, handbooks and data control procedures;
 - Preparation of technical and risk opinions;
 - Legal review of e-commerce, videogame, social media, web tracking and online data protection;
 - Specific clauses for Labor, civil and commercial agreements.
 - The design of processes and controlling procedures for the optimal compliance of the above-mentioned topics;

- Implementation of awareness training to Data Protection officers and training programs regarding Personal Data Law;
- Support in the implementation, subsequent monitoring and audit activities aimed at verifying compliance levels with organisational and technical measures, and;
- Assistance in case of requests, verifications and inspections by the Authority.

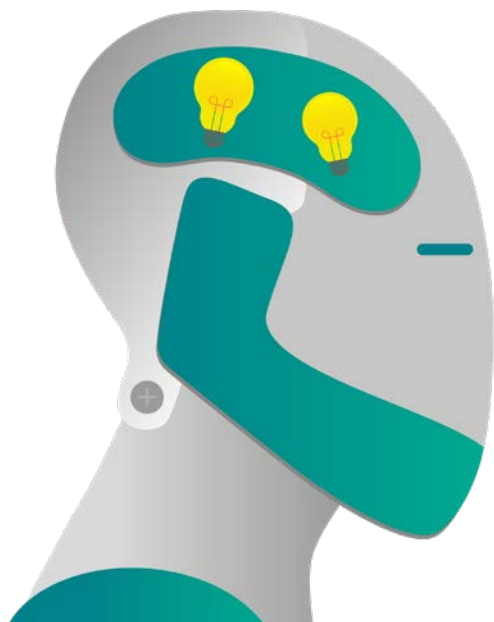
Our support will have as main objective the standardising, setting of parameters and controls which lead to the effective compliance of the Personal Data Law within a functional and organizational structure, that manages efficiently the privacy and compliance risks and, at the same time, minimises non-compliance risks.



INTELLECTUAL PROPERTY: INDUSTRIAL AND COPYRIGHT LAW

Rödl & Partner Mexico's IP Department offers assistance to Mexican and foreign customers concerning:

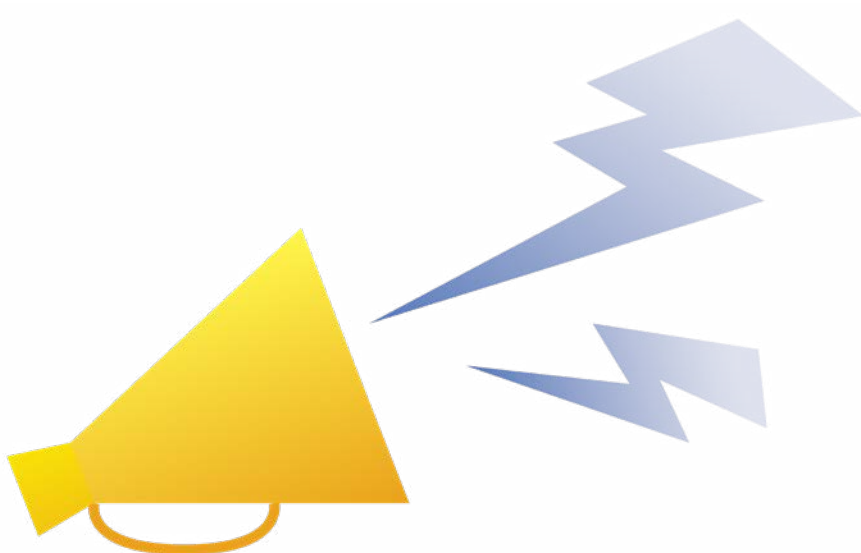
- Copyrighting of literary works, software, music, databases, visual and audiovisual works;
- Licensing and transfer of rights agreements;
- Web domain acquisition;
- Elaboration and review of Non-Disclosure Agreements
- Registration and renewal of trademarks in Mexico: preliminary filings, filing procedure, and reply to authority requirements;
- Trademark coexistence agreements;
- Franchise agreements;
- Trademark co-ownership agreements;
- Trademark acquisition agreements;
- Industrial design registration;
- Slogan registration;
- Technology transfers;
- Cease and desist letters;
- Research and legal opinions on the probability of successfully registering a trademarks, and;
- Surveillance and identification of potential copyright / trademark infringement and / or unauthorised use.



IT LAW

Rödl & Partner's IT Law Department in Mexico provides companies with a range of services ideal for ensuring that companies achieve their full potential while minimising risks when operating in national territory:

- Review of e-commerce practices compliant with consumer and Data Protection laws;
- Review of e-commerce contracts and legally binding e-signatures in national territory;
- Review of user and purchase terms and conditions;
- Implementation of social media guidelines for employees;
- Identification of special protocols for processing sensitive personal data such as medical records, biometric information, payroll etc.;
- Identification of anti-money laundering needs;
- Licensing and transfer of rights agreements;
- Review of compliant labor outsourcing agreements for tech companies;
- Cloud data security at national and international levels;
- Advice on creating databases compliant with Data Protection laws, and;
- Payment associations with financial institutions.



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As attorneys, tax advisers, management and IT consultants and auditors, we are present with 106 own offices in 48 countries. Worldwide, our clients trust our 5,130 colleagues.



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