

# The Privacy Challenge

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# Does This Apply to Us . . .

- Clinical Trials
- Human Resources
- Direct-to-Consumer
- e.business

# What does it all mean . . .

- EU Noncompliance Disrupts Flow of Information
  - clinical trials
  - employee information
- Marketing Gathering Data That Cannot Be Used
- Websites Place “Cookies” That Run Afoul of State Privacy and Consumer Protection Laws
- Business Relationships Run Afoul of Privacy Laws

## Key Message . . .

People have an individual right to privacy in the information that a business collect and receive about them.

The right to privacy requires businesses to be accountable to individuals regarding the use of the information.

# One Approach to the Problem . . .

- Get The Word Out:
  - Talk to the lawyers
  - Talk to the business people
    - Marketing
    - R&D
    - E-Businesses
    - Managed Care Programs
  - Talk to senior management
- Identify a Point Person
  - Compliance Program can centralize the effort

- **Appoint a Privacy Official**
  - Empower the position
  - Who should it be:
    - internet comfortable
    - technologically comfortable
- **Select Counsel to Steer the Effort**
  - Speak with one voice
  - Treat similar situations similarly
  - Contract templates

# What do you actually do . . .

- Understand the Various Laws
- Who Has The Information and What Do They Want To Do With It?
  - Surveys
  - Staff Meetings
  - Corporate Announcements
- Adopt and Publish a Privacy Policy that Complies with the Laws
  - Must be a collaborative effort
    - business input

- Craft SOPs AFTER Understanding the Who and What
  - Security as important as use
- Educate Employees about the Policy
  - Pay particular attention to websites
    - no policy posting without compliance