

# Profiles In Privacy



Fiona Anderson  
Senior Legal Counsel  
Treasury Wine Estates

In our Profiles in Privacy series, we will profile prominent players in privacy and data protection in Australia. Fiona Anderson, Senior Legal Counsel at Treasury Wine Estates, has nearly 18 years experience as a commercial lawyer. She has been in the legal team at Treasury Wine Estates for over 7 years and takes the lead within the TWE legal team on privacy and data protection law.

Gadens Partner, David Smith recently asked Fiona about some topical privacy issues.

## What will be the biggest privacy challenges for Australian businesses in the next couple of years?

Privacy and cyber-security are now coming into their own as boardroom issues.

Board members of large companies are now asking their executives "What are we doing about privacy and data protection?" The biggest challenge will be appreciating just how many steps are involved in becoming compliant with the increasingly strict privacy laws.

## How are Australian companies responding to the need for many of them to comply with the EU General Data Protection Regulation?

Some of the more unusual aspects of the GDPR (such as the "right to be forgotten") hijacked a lot of the initial discussion around the impact of the GDPR and it has taken people, particularly in Australia, a lot more time to dig deeper and appreciate the more practical nature of what they have to do to become compliant. But they are getting there.

## What privacy innovations has Treasury Wine Estates implemented recently?

TWE is a global winemaking and distribution business. Whilst it is headquartered in Melbourne, with over 3,400 employees and sales of 36 million cases of wine in the 2017 financial year, it controls and processes the personal information of data subjects all over the world.

As a global company, the number of issues TWE has looked at as a result of the GDPR has been significant. We've dealt with consumer-facing such as seeking specific, positive consents and ensuring TWE's websites are compliant. We've also

implemented back end changes to ensure systems are still secure, internal compliance policies and procedures are in place and all employees know what their obligations are.

TWE has tried to ensure its consumer facing privacy wording isn't too boring or legalistic, and tries to use the "brand voice" to get an important message across. For example when TWE collects a consumer's date of birth on its Penfolds website to confirm the user is of legal drinking age, it says: "Making remarkable wines since 1844. With age comes character. Please enter your date of birth."

## TWE has a global footprint. How do you manage privacy compliance worldwide?

The GDPR has set a very high bar globally, so if international businesses can aim to be GDPR compliant across the board, then they'll likely be in a good position for managing complex and differing privacy laws throughout the world.

TWE has various initiatives in place to ensure everyone at TWE is aware that privacy laws can affect them, including a data protection policy for all employees and online and face to face training.

Another aspect which can often be overlooked is the need to talk with any third parties who process your data – you don't want your external providers to be the weakest link, so we try to ensure we talk with our suppliers and ensure they are on the same page as us.



David Smith, Partner  
Intellectual Property & Technology  
T: +61 3 9252 2563  
E: david.smith@gadens.com