

CITY OF LONDON LAW SOCIETY COMMERCIAL LAW COMMITTEE
(THE “COMMITTEE”)

MINUTES of the Committee meeting held at 1pm on 26 September 2019 at the offices of
Travers Smith LLP, 10 Snow Hill, Farringdon, London EC1A 2AL

- Present:**
- Mr Oliver Bray, RPC (Chairman) (“**OB**”)
 - Mr Kevin Hart, City of London Law Society (“**KH**”)
 - Mr Tom Purton, Travers Smith (“**TP**”)
 - Mr Andrew Crawford, Devonshires
 - Mr Mark Dewar, DLA Piper (“**MD**”)
 - Mr Rohan Massey, Ropes & Gray (Secretary) (“**RM**”)
 - Mr Richard Shaw, Bryan Cave Leighton Paisner
 - Mr Andrew Shindler, Locke Lord (“**AS**”)
 - Mr Stephen Sidkin, Fox Williams (“**SS**”)
- Apologies:**
- Mr Jonathan Davey, Addleshaw Goddard
 - Mr Richard Marke, Bates Wells
 - Mr Anthony Woolich, HFW
 - Mr Duncan Reid-Thomas, Baker & McKenzie
- In attendance:**
- Mr William Moore, Ropes & Gray (Minutes)
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1. Minutes of last meeting

- 1.1 It was reported that the minutes of the last meeting had been prepared. A couple of revisions were suggested and agreed. The minutes were then approved.

2. Apologies

- 2.1 Apologies from the individuals identified above had been received.

3. Recruitment Plans for the Committee

- 3.1 The Committee reiterated its desire to reach out to the list of potential Committee members that KH had prepared for the last meeting.

- 3.2 OB stated that he would follow up with: (i) Megan Paul of Charles Russell Speechlys; (ii) Jo Farmer of Lewis Silkin; and (iii) Jane Finlayson Brown of Allen & Overy (together, the “**Potential Members**”), who had shown an interest in becoming Committee members.

- 3.3 It was agreed that an informal social event should be organised with the Potential Members in advance of the next Committee meeting, with the intention of having the interested Potential Members join the next Committee meeting in November.

OB to contact Potential Members and to try and arrange a date for late October / early November,

4. **Future Events**

- 4.1 Following the success of the Adidas seminar, TP suggested that another event is organised with young lawyers as the target audience. The purpose of this event would be to maintain the momentum from the Adidas event, as well as providing junior lawyers with an opportunity to network.
- 4.2 AS suggested that due to the success of the Adidas seminar it would be favourable to have a well-known company speak at the event. AS went on to say that a another big consumer retail brand or a technology company would be a good choice of speaker in light of the recent press coverage regarding General Data Protection Regulation (“**GDPR**”) fines.
- 4.3 OB mentioned that he had contacts at Google and Facebook who may be open to partaking in a panel event. OB agreed that he would reach out to these individuals and try and arrange for a panel event to take place in early 2020.

5. **Matters Arising**

- 5.1 OB proposed that the Committee needed to work harder on engagement more generally, particularly online (e.g., through a LinkedIn page). In particular, OB believed that an individual Committee LinkedIn page could be an effective way to post relevant material that is published by Committee members’ firms.
- 5.2 KH noted that at present the CLLS does not have Committee specific LinkedIn pages but encourages all Committee Members to add a link to the main CLLS website to their individual LinkedIn pages.
- 5.3 RM also suggested that the Committee’s CLLS webpage, and any potential LinkedIn webpage, could be an effective way of advertising upcoming job opportunities for junior lawyers.
- 5.4 SS supported the idea, noting that when he had originally proposed the sharing of information on NQ opportunities among the Committee Members this was done to assist in placing good talent that firms were simply unable to retain. His concern in advertising newly qualified roles was that this could lead to issues under DSAR requests etc and so should only take place after any firm’s internal recruitment cycle had concluded in order to avoid difficulties with current trainees.

KH agreed to discuss the Committee setting up its own LinkedIn page and recruitment portal with the CLLS.

- 5.5 MD suggested, following a successful trial at his firm, that Committee Members set up a WhatsApp group in order to disseminate relevant information more quickly, including any potential trainees that they would recommend, should there be no role available for them at their current firm.

- 5.6 The Committee agreed that creating a WhatsApp group would be a good idea, but only if each Committee member had given their consent prior to being added to the group.

RM to contact all Committee for consent to set up and be part of the Committee WhatsApp group.

6. **Brexit Sub-Committee Meeting**

- 6.1 AS informed the Committee that no new information had been released on the CLLS's Brexit Law Committee paper. SS explained that ongoing Brexit developments are likely to have impacted the release of any information on the paper.
- 6.2 SS also suggested that the date of the Brexit subcommittee meeting should be moved from the 16 October 2019 until after the European Council meeting on the 17-18 October 2019 in order to have a clearer picture on the direction of Brexit.
- 6.3 The Committee decided that changing the date of the Brexit subcommittee meeting was a good idea, and that the meeting should be held on the 23 October 2019 at the offices of Fox Williams LLP.

7. **Interesting Cases and/or Practice Points**

- 7.1 SS discussed one case:

(a) In case C-507/17 Google Inc v Commission nationale de l'informatique et des libertes (CNIL) the Court of Justice of the European Union ("**CJEU**") ruled that the so-called "right to be forgotten" does not extend to search results on non-EU versions of Google. In practice, that means that Google is only required to act on requests to remove listings containing personal information and data from search results on EU-based domain names, rather than anywhere in the world. This ruling overturned the French Data Protection Authority's (CNIL) previous order.

- 7.2 RM noted that a number of clients had raised queries relating to the upcoming California Consumer Privacy Act ("**CCPA**"), particularly the way in which it would align itself with the GDPR. RM went on to comment that the CCPA appears to be more stringent in certain areas than the GDPR, but that enforcement will generally be less severe.
- 7.3 OB mentioned that the publication of the ICO's new draft Data Sharing Code of Practice that is currently open for consultation. OB went on to note that the draft code of practice appears to go further than the legal requirements of the legislation in relation to controller to controllers data sharing, which may lead to challenges, or changes during the consultation. On the positive side, however the draft provides a number of practical recommendations which controllers should take into account when sharing personal data.
- 7.4 MD mentioned that the Law Commission had now published its report on electronic execution of documents in England and Wales. The report stated that in most cases an electronic signature could be used as a viable alternative to a handwritten one in order to execute a document electronically (including deeds). The Law Commission made several recommendations to address some of the practicalities of electronic execution and the rules for executing deeds, including setting up an industry working group to consider the practical and technical issues of using electronic signatures.

8. **AOB**

8.1 **Next meeting**

The next Committee meeting will be held at **5pm** on 28 November 2019 at the offices of Ropes & Gray, 60 Ludgate Hill, London EC4M 3AW, hosted by Rohan Massey. The meeting will be followed by the annual drinks reception.