Data protection

Many companies across the globe are faced with new data protection compliance requirements as governments implement regulations to protect consumers and their information. The General Data Protection Regulation ("GDPR") has been in place in the European Union since 2018 and regulates the transfer of personal data outside the European Union and European Economic Areas. In fact, a recent decision by the Court of Justice of the European Union has made data transfer from the European Union to the United States much more stringently regulated, often requiring new or redrafted data transfer contracts to be executed.

More recently in the United States, California implemented the California Consumer Privacy Act ("CCPA") in 2020. Much like the GDPR, the CCPA is intended to improve privacy rights and consumer protection for residents of California. Every company doing business within California, that meets certain criteria, is subject to these regulations. Numerous other jurisdictions around the world are planning or adopting similar regulations so the demands on organizations will continue to increase.

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>
> Mason Clark, Associate at US firm Ice Miller

In the light of these significant new burdens, it is important for businesses to understand applicable obligations and risks and as such are calling on their legal teams to quickly provide that understanding. Areas of focus include determining whether there are data protection clauses or addendums in place under current client and third-party contracts; ascertaining whether those contracts are compliant with these new regulations; and amending contracts that do not comply with the appropriate regulations. However, given the large and growing volume of documents that must be reviewed, it is imperative that the review be thorough, quick and cost-effective. Luminance can help ensure that legal teams are optimally positioned to meet these new demands.

Luminance's machine learning technology facilitates the review of all relevant contracts and documentation quickly and effectively, without the need for sampling. Luminance's project management tools allow lawyers to coordinate this review from any location and allows for vast time savings with reliable results extracted from very large data sets, freeing up lawyers to provide high value analysis more quickly and with greater confidence, using their legal knowledge to ascertain whether existing contracts are compliant with the new regulations.

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Luminance Diligence: Data Protection

Luminance's Diligence interface has been designed to assist legal professionals with contract analytics in tasks such as due diligence, lease abstractions, model document comparison, exposure analysis and associated repapering. Luminance uniquely combines unsupervised and supervised machine learning algorithms to rapidly read and form an understanding of datasets, instantly highlighting key clauses, data points and anomalies to lawyers to facilitate their review. Further, by using flexible machine learning, Luminance is able to actively learn from and adapt to the data it sees, ensuring that the platform can be used to meet a wide range of legal and business needs. As data protection regulations increase in both volume and complexity, lawyers need technology to assist them in reviewing vast datasets. Failure to maintain compliance with applicable regulations can expose their organizations (or clients) to substantial financial penalties and/or reputational damage.
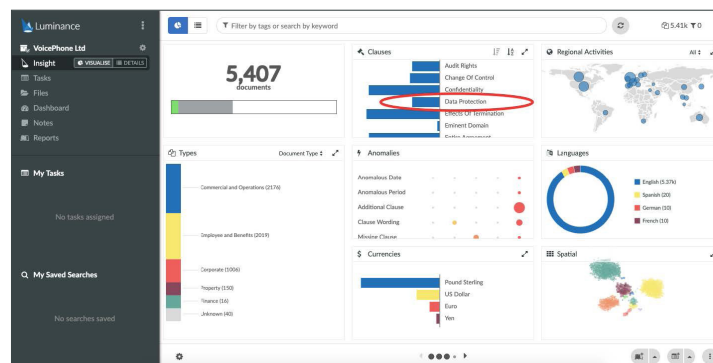
Recently, the legal team at a multinational American e-commerce corporation used Luminance to assist with an internal data protection compliance review. The lawyers needed to review a document set to ensure data processing clauses or addendums were in place and, if so, to determine the nature of the data sharing and data collecting provisions. Ultimately, they needed to categorize each processing agreement accordingly and ensure compliance with the CCPA. Using Luminance, the team were able to immediately identify 15 different data processing agreements that existed within the dataset, a process that would have taken hours with manual methods. Luminance instantly surfaced data protection provisions in a quarter of the documents, and as the lawyers continued to interact with the platform by tagging key datapoints, Luminance's supervised machine learning was able to understand what the team were looking for, extending this learning across the dataset and highlighting crucial information relating to data sharing and collection. Further, the legal team were able to use Luminance's project management features such as 'Bulk Notes.' When lawyers apply a note to a certain clause, Luminance can automatically apply that note to all identical clauses present within the documents. As a result, the lawyers were able to apply their analysis of the clauses and addendums up to 20 times faster than with solely manual methods.

Using cutting-edge unsupervised machine learning, Luminance is able to surface hidden risks in the form of 'unknown unknowns'– the unknown factors that lawyers didn't actually know existed and never set out to search for in the data. Speaking at a recent webinar with Luminance, Mason Clark, Associate at US firm Ice Miller, noted that Luminance's ability to find anomalies sets it apart from other AI tools: "Luminance saves the lawyer from sifting through information that the lawyer already knows... [instead Luminance] allows the lawyer to find what they don't know."Mason continues, "the comparison tools in Luminance are what really provides the benefit to clients." Indeed, using Luminance's Automatic Document and Clause Compliance technology, with just one click, users are able to mark
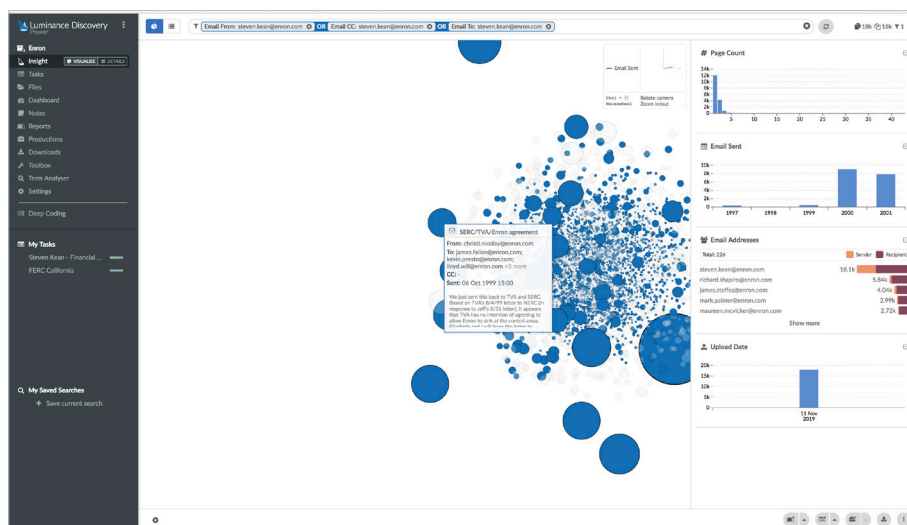
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a version of a document or clause as their 'standard' or 'model' version against which all others are compared. This could, for instance, be a clause within a contract that lawyers know to be compliant with the CCPA. By comparing this 'model' version against the rest of their dataset, lawyers can instantly see which clauses comply or deviate, ensuring complete compliance with regulations, no matter how vast the dataset. Further, Luminance's synchronization with Microsoft Word ensures that lawyers are able to quickly and easily remedy documents to meet their desired standards from within Luminance, ensuring a thorough and comprehensive review.

Using Luminance, lawyers are able to act quickly and decisively when reviewing data protection provisions for regulatory compliance. By providing users with an instant and all-encompassing insight into their contracts, Luminance allows lawyers to truly understand their documentation, uncovering anomalies and risk that could otherwise easily be missed and allowing lawyers to amend those document to ensure compliance.

## Luminance Discovery: Completing Personal Information Requests

Luminance's Discovery interface has been designed to assist legal professionals with investigations, arbitrations and litigation matters, typically involving an increased volume of email. Luminance Discovery harnesses an intuitive user interface and the latest advances in machine learning to provide legal teams with simple yet incredibly advanced functionality, allowing them to uncover essential information from the very first day of review. Luminance Discovery can be used to ensure timely compliance with data protection provisions. For example, Burness Paull, a top tier Scottish law firm, used Luminance's Discovery application to conduct a Data Subject Access Request ("DSAR") for a former employee. Luminance's easy cloud-deployment and intuitive interface ensured that despite working remotely, the lawyer entrusted with this task was able to rapidly upload and gain insight into a dataset spanning nearly 6,000 documents. Within a few minutes, Luminance's powerful data culling, including data deduplication and email leafing functionalities, reduced the dataset by 80% compared to its original size, allowing the lawyer to zero in on crucial information. Using Luminance, Burness Paull were able to respond effectively and efficiently to the Data Subject Access Request, achieving an impressive 50% time saving.
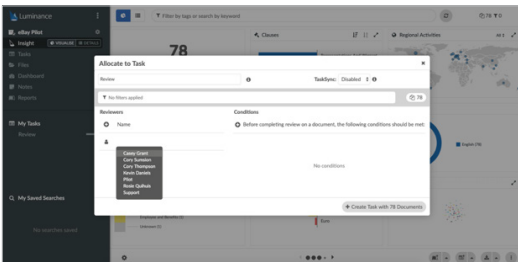
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Step 1:
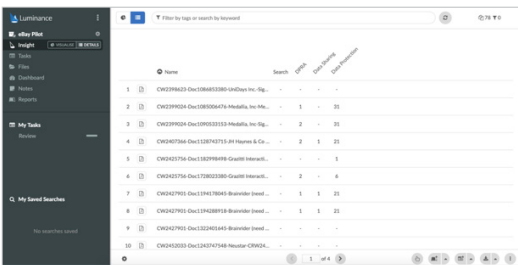## Immediate overview of the Contracts
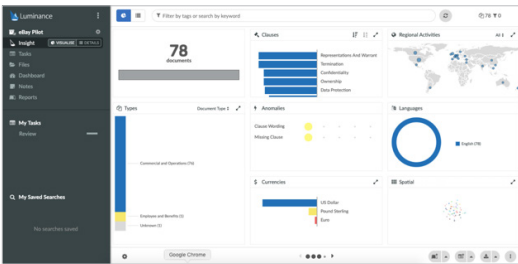
Luminance's Visualise screen provides immediate insight into the contents of the documents uploaded onto the platform, by automatically identifying Document and Contract Types, Clauses, Governing Laws, Regional Activities and more.

Step 2:
Assign documents into Tasks

Using Luminance's project management tools, allocate the documents into a task. This will allow you to organise your review and track progress via the Tasks page.

Alternatively, you can select both individual or groups of documents from the Details screen and Add these to a Task (see circled below), or you can add a single document to an existing task from within the document view itself. In each case you would use the same symbol at the bottom right hand side of the screen.


## Step 3:
Find important provisions
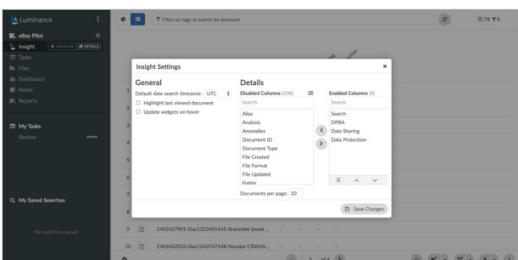
To review the important provisions and information within the documents you have been assigned, first click on the relevant task, and then the Insight Details screen. By clicking on the little cog in the bottom left corner', you can choose which columns you want to appear in your Details screen.
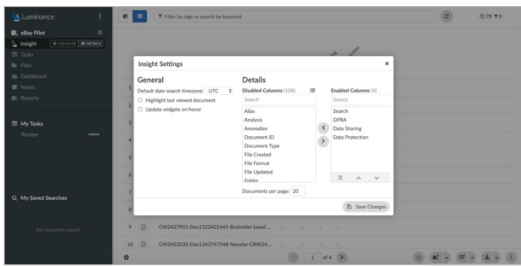
This helps reduce noise by allowing you to focus your review on only the most relevant information – e.g. 'Note Category: DPRA' or the 'Search' tab. Once these columns are enabled, you can expand each column to view all instances of these clauses/data points/notes/searches across the entire task– e.g. every instance of a 'DPRA' tag or every keyword search result across the documents. By expanding each column, you will then be able to rapidly move through the clauses, data points, notes or search results, and review them back-to-back.
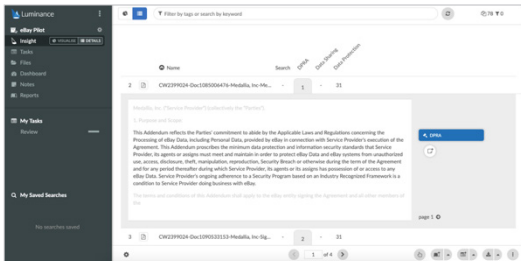
To go about identifying additional DPRAs which have not already been identified by Luminance within the Task at hand, simply type the relevant keyword(s) – e.g. 'Data Protection Requirements Addendum' – into the Luminance filter bar, using typical search techniques. Luminance will then search across all documents in the task and present to you all of the instances where the keyword(s) appears.
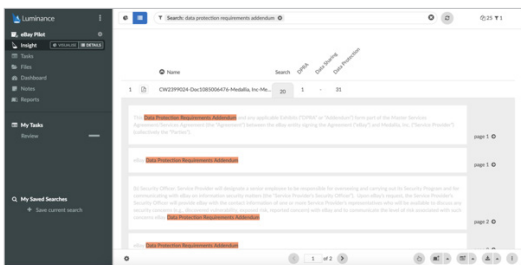
NB: You can click on the corresponding page number (accessible to the right hand sight of each search snippet) if you wish to enter the individual contract where that search result has been found.

Step 4:
Add Notes indicating analysis

When you find a Data Protection Requirements Addendum or another key piece of information, you can add a Note then and there or click on the page number to go directly to this text within the document. Lawyers can utilise the Notes feature to categorise the data protection information as needed which will later be used to populate their customised report.

You can also utilise Bulk Notes, which will simultaneously apply the same note to other instances of the text or paragraph which Luminance has identified as similar across the project. You can choose to review each 'similar' passage, if you wish to, by selecting 'show all'. We recommend using Note Categories to classify the DPRA as either (i) 'DPRA', (ii) 'Data Sharing', (iii) 'Data Elements – RESTRICTED', (iv) 'Data Elements – CONFIDENTIAL' or (v) 'Transport Methods'. Use the note header to further categorise the data using the filtering options found in the second tab of the "Data Sharing Doc Scanning Requirements" Excel spreadsheet.
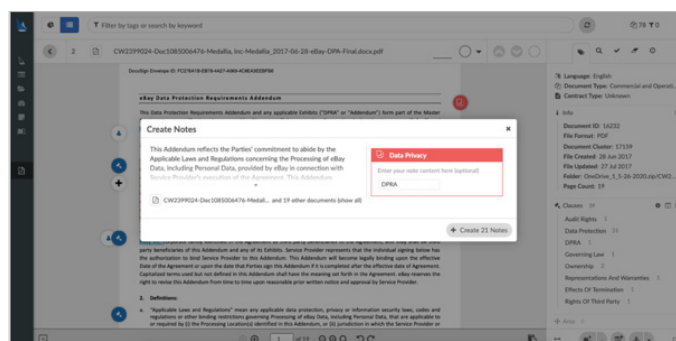
Step 5:
Introduce Luminance to important Clauses and Data Points

When you find key information or provisions within your documents, you also have the option to add a range of tags, which will allow Luminance to learn which data protection information is important for your review and retain that learning for future reviews. Luminance learns by example and where you use the 'clause' tag, we recommend tagging full paragraphs of text (rather than individual sentences or headings). For example, within the Data Protection Requirements Addendum, you should apply the 'DPRA' clause tag to the paragraph under the heading "1. Purpose and Scope"
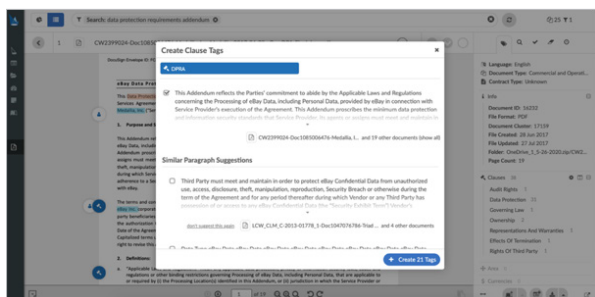
Similar to the Bulk Notes function, once text is tagged in a document, Luminance will instantly track through the whole project to identify similar examples. It is optional for the user to review these similar suggestions and provide Luminance with further positive and negative examples – this will (i) expedite the platform's understanding of the provision; and (ii) potentially help the user capture more examples of the provision for tagging purposes.

Step 6:
Generate a Report summarising your analysis
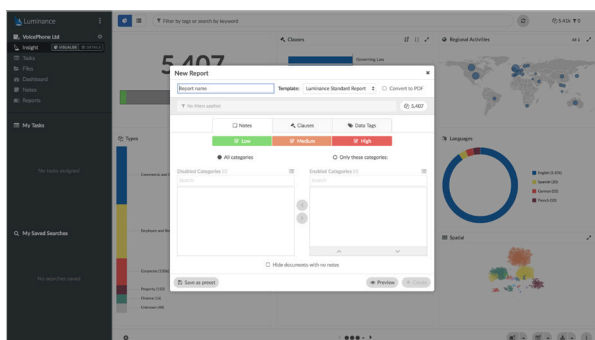
Once the review is complete, you can generate a report in your preferred format (excel, word or PDF) to export the required information. Click on the 'Report' button on the bottom right of the screen and you will be presented with a range of information that you can choose to include in the report.

To generate your custom report, please ensure that the following Note Categories are selected: DPRA, Data Sharing, Data Elements – RESTRICTED, Data Elements – CONFIDENTIAL and Transport Methods. You can then download the completed report onto your computer.