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Massimiliano Russo

Born in Rome (Italy), on July 2, 1969. Resident in Rome (Italy), [REDACTED].

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Languages

Italian
English

Bar Admission

Admitted to the Italian Legal Bar (1994)

Education

University of Rome (Italy), *magna cum laude*, 1993
London School (London - UK), *Master Course for Legal Professionals*, 2002

Practice Areas

Privacy / Data Protection, ICT, Advertising and Commercial Law, Pharmaceutical & Healthcare Law, Food Law.

Practice and Expertise Description

Massimiliano Russo graduated from the University of Rome *magna cum laude* and was admitted to practice in 1994. After three years as a criminal lawyer, specialising in computer crimes (including corporate internal investigation for detection of crimes and legal analysis of electronic data security systems) and after a high-level experience of collaboration with national legal magazines, he joined in 1997 the Rome office of the Law Firm *Baker & McKenzie*, specialising in Information Technology, Internet Law, Data Protection and Pharmaceutical Law. Massimiliano rapidly became one of the co-ordinators of the IT/C sector practice group and an active member of the European and Global Data Protection Team and, after almost two years in the London Office, he became Partner in 2003. In 2006, he has established his own legal practice *Studio Legale Russo* based in Rome, and currently he is the reference person for Italian and international clients for legal assistance with their data protection, privacy, e-commerce, regulatory (pharmaceutical, food) and outsourcing projects. From 2009 to 2014, Massimiliano in addition to *Studio Legale Russo*, has been also Counsel for the Law Firm *McDermott, Will & Emery*.

Among his current areas of expertise, Privacy/Data Protection (advice, security, policies, contracts, websites' legal review and auditing), Advertising and Consumer Protection, Business Crimes (investigations, corporate compliance, corporate liability, auditing), Pharmaceutical & Healthcare law (regulatory, advertising rules and promotional activities analysis, product liability, professional ethics, business industry contracts, co-marketing/co-promotion agreements, clinical trials, M&A), Food Law (regulatory, claim regulation, labelling, advertising).

In particular, Massimiliano Russo specialises in the legal assistance to clients that across every industry sector need legal support to comply with data protection and privacy rules in their business strategies, marketing initiatives, internal organization and auditing procedures, HR employee data infrastructures, security measures and systems, international data transfer, Internet business presence, administration of databases, filing and assistance in proceedings before the

supervisory authorities. We also coordinate concept data privacy on-site audits, investigations and legal analysis, and offer customized legal training courses on data protection addressed to managers and employees.

Representative Cases or Matters

- Coordinating data protection audit and advising on patient's consent, transfer of sensitive data of patients abroad and use of customer's data for marketing purposes
- Advising several local and international telecoms operators on implementation of data protection policies and data security measures, including websites audits for compliance with privacy legislation
- Advising several major consumer brand owners on data protection policies for website customer registrations
- Advising multinational entertainment groups on requirements relating to collection of personal data and drafting appropriate consent forms in key jurisdictions, initially in Europe and subsequently more broadly
- Advising major consumer electronics manufacturers on the processing of customer data, including website data collection in key European jurisdictions
- Advising telecom operators on direct marketing and compliance with data protection laws
- Coordinating data protection concept audits, with specific reference to data security requirements, on telecom operators' database and directories
- Advising local and international clients on privacy notices and statements, transfer of data from the EU to the US, and outsourcing agreements for the collection and processing of data
- Advising leading IT equipment manufacturers on the interpretation and application of the data protection directives and the 'safe harbour' principles. Monitoring and reporting on developments in EU-US relations in the field of data protection
- Advising leading US courier services provider on the interpretation and application of the EU data protection directives in relation to the setting up of worldwide electronic tracking service. Review of compatibility of proposed services with data protection directives and co-ordination of multi-jurisdictional review of local data protection legislation
- Acting for major PC manufacturers in devising and implementing a project for compliance with data protection directives, including policies and procedures for on-line customer and employee databases
- Advising major multi-national telecom operators, network service providers, Internet service and Internet backbone providers on the development of global privacy compliance programs, including advising on sector-specific issues relating to network monitoring and billing, on-line collection of data, intra-group global transfers, and related direct marketing initiatives
- Advising a variety of multi-national leading industry operators on the full range of data protection compliance issues, including advising on implementation of global customer and HR databases, and related consent and transfer issues, and development of customer and employee consents, privacy policies and internal guidelines
- Assuming both advisory and project management role in connection with the development of multi-jurisdictional data protection compliance programs, including producing pro-forma documentation and coordinating multi-jurisdictional local reviews of and advice on customization of documentation.
- Advising Italian and international pharmaceutical companies on regulatory requirements for pharmaceutical product approvals and medical device registration, as well as compliance with legal requirements set forth by clinical trial Directive 2001/20/EC; clinical trials documentation conformity, GCP compliance, informed consent review, clinical trial agreements with medical and research institutions, practitioners and CROs
- Advising pharmaceutical clients on IT and e-commerce related aspects including website development and hosting, business and consumer contracting over the Internet, domain name protection, outsourcing and other services agreements in the healthcare sector

- Advising medical manufacturers on civil and criminal liability of manufacturers, importers and distributors, compliance with public procurement regulations in the healthcare sector (supplies to hospitals and other state-owned medical institutions), compliance with anti-bribery and corruption regulations, business ethics, industry codes of ethics (Farindustria and Assobiomedica), compliance with Law no. 231 of 2001 on corporate criminal liability
- Assisting clients in the adoption of corporate compliance programs under Law no. 231 of 2001 (implementing the OECD Convention on Corporate liability)
- Advising leading food products manufacturers on regulatory requirements, advertising, labelling, consumer protection, including assistance before supervisory and self-industry authorities

Publications, E-Law Alerts, Articles and Presentations

Author of "*PRIVACY NEL MARKETING & SALES*" ("*Guida al GDPR*") , Wolters Kluwer.

Author of the chapter on Italian law of "*European Privacy Laws*", Baker & McKenzie, and author of the following chapters of "*E-Commerce Manual*", PLC: "*Access to the Internet and Domain Names*", "*Protecting Website Content*", "*Liability for Website Content*", "*Data Protection and Privacy*", "*Making Contracts Online*", "*Security and Digital Signatures*".

Author of the chapter on Italian law of "*Data Protection and Privacy*", Baker & McKenzie.

Author of the chapter on Italian law of "*Doing E-Commerce in Europe*", Baker & McKenzie.

Co-author of the chapter on Italian law of "*Telecommunication Laws in Europe*", Butterworths.

Author of the book: "*Business Internet – Accesso Telematico a un Target Virtuale*", Buffetti Editore.

Coordinator of the weekly selection of criminal case law and author of several articles for the legal magazine "*Guida al Diritto – Il Sole 24Ore*" and for the newspaper "*Il Sole 24Ore*", from 1994 to 1998.

Author of the chapters on Italian law of "*Internet @dvertising of Pharmaceuticals*", C.F. Muller, and "*Promoting Medical Products in Europe & North America*", C.F. Muller.

Author, among other, of the following articles and contributions to legal magazines:

- "*The Italian Law on Data Protection*" and "*Computer crimes in Italy*", in the legal magazine "*Consulenza*"
- "*The new Italian Law on Electronic Documents and Digital Signature*", European Legal Developments Bulletin
- "*The new Italian Law on Data Protection in the Telecommunications Sector*", in the European Legal Developments Bulletin
- "*The new Italian Law on Digital Signature: the Technical Rules from the Public Administration's standpoint*", in the legal magazine "*Guida al Diritto – Il Sole 24 Ore*"
- "*Technical Rules on the Creation, Transmission, Storage, Duplication, Reproduction and Validation of Electronic Documents*", European Legal Developments Bulletin
- "*Security Measures: Technical Standard and Data Protection*", European Legal Developments Bulletin
- "*Protecting Website Content*", "Global Counsel", PLC

- “*E-Commerce and Digital Signature*”, “European Counsel”, PLC
- “*Workplace Monitoring in Europe*”, World Data Protection Report
- “*The New Italian Data Protection Code*”, European Legal Developments Bulletin
- “*New European and Italian Legal Regime on OGM Food Products*”, an interview as legal expert for “*Starbene*” magazine, Mondadori
- “*The New Italian Consumer Protection Code*”, European Legal Developments Bulletin
- “*Data Protection and Electronic Health Patient Files in Italy*”, International Legal News
- “*Legal liability and contract for flu vaccines in Italy*”, dossier authored and coordinated for “*Il Sole 24 Ore - Sanità*”
- “*Cloud Computing and Data Protection - the Privacy Challenge in the Authority's View*”, International Legal News
- “*Jobs Act: privacy del dipendente e controlli a distanza, quando i chiarimenti complicano*”, online article LinkedIn

Massimiliano Russo regularly advises clients on legal developments by the e-law alerts “*Segnalazioni Normative*”. Massimiliano Russo has also produced legal alerts via “*On the Subject*” and “*Hot Topics*” as news services provided by *McDermott, Will & Emery*.

Speeches

Massimiliano attended as a speaker a number of seminar and conferences, among which:

- “*Internet Advertising for Pharmaceuticals*”, Munich
- “*E-Commerce in the Pharmaceutical Sector*”, Madrid
- “*Co-Marketing and Co-Promotion*”, Barcelona
- “*Promoting Medical Products in Europe*”, Budapest
- “*Data Protection and Business: Privacy in the TLC Sector*”, ITA Convegni, Milan
- “*Privacy and Electronic Commerce in Italy*”, CEGOS, Milan
- “*Electronic Commerce*”, ACCA Conference, Fiumicino
- “*E-Commerce and Protection of Privacy*”, Confindustria, Perugia
- “*Intellectual Property and New Economy*”, Pennsylvania University Summer Program, Rome
- “*Data Protection: The Safe Harbor Agreement*”, ITC European PG Meeting, London
- “*E-Commerce in the Pharmaceutical Sector*”, EPM, Madrid
- “*Website Legal Due Diligence*”, Rome (2 editions)
- “*Law 231, Corporate Liability and Security: the Implementation of the OECD Anti-Bribery Convention*”, Rome
- “*E-Commerce and Internet Privacy*”, ANUIT, Naples
- “*Security Audit and Networks*”, E.Biscom, Milan
- “*Digital Signatures and Security*”, Il Sole 24Ore Convegni, Milan
- “*Promoting Medical Products in Europe*”, Pharmaceutical Forum, Budapest
- “*RFID Technology – Security and Privacy, Open Issues*”, Il Sole 24OreConvegni
- “*Electronic Invoicing*”, Rome
- “*RFID and Privacy Laws in Italy*”, RFID Forum – Eventi Wireless, Milan
- “*Data Protection in Europe – A Legal Overview*”, Endemol Annual Legal Conference, Rome,
- “*New Legal Developments in the ITC Sector – Corporate Compliance, E-Commerce, Privacy*” – COLT Telecom European Annual Legal Conference, Rome
- “*Data Protection in Italy: Structuring a Compliance Program*”, WARNER BROS Professional Development, 2 editions Milan – Rome
- “*Internet Law: The Regulatory Framework*”, Ateneo Impresa - Rome
- “*IP Protection and Employee Invention in the Pharmaceutical Sector*”, *Pharmaceutical & Healthcare PG* - Warsaw

- “*Data Protection/Privacy – Legal Training Program*” – Endemol, 3 editions Rome, Milan, Turin
- “*Data Protection/Privacy for Pharmaceutical Companies*”, Sunrise Legal Training Course, Piacenza
- “*Information Technology and E-Law*”, Master Course “*Giurista d'Impresa (Business Lawyer)*”, LUISS School of Management, Rome
- “*The New EU Regulation on Health and Nutritional Claims for Foods Product*” – Kellogg's Legal Training Course, Milan
- “*Data Protection Authority Guidelines: Employee Data and Privacy at Workplace*”, AVIS Legal Training Course, Rome
- “*What’s New in Food Law and Advertising*”, Kellogg's Legal Training Course, Milan
- “*Data Protection and Privacy Compliance: Management Level*”, AVIS Legal Training Course, Rome
- “*Corporate Compliance Programs, Criminal Liability and Organizational Model for Pharmaceutical Companies*”, Osservatorio 231 Pharma, Rome, monthly and annual meeting series
- “*Data Security and Corporate Control: Internal Investigations and Privacy*”, McDermott, Will & Emery
- “*Data Protection and Privacy Compliance: GDPR impact on Business*”, Boehringer Ingelheim, Legal Training Course, Milan