



2019 Global Meetings and Events Forecast

Special Section: Meetings Legal Trends



MEETINGS & EVENTS



Meetings Legal Trends

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World events in 2018 mean change for the meetings industry. Legal developments around the globe are creating new “best practices” that cause companies both big and small to re-evaluate the ways in which meeting services are delivered. In this paper, we will explore the implications of three legal “hot buttons” – GDPR, emergency planning, and codes of conduct.

GDPR Implementation

Perhaps the most publicized development was implementation of the European Union General Data Protection Regulation, or “GDPR.” GDPR builds upon prior EU privacy directives and codifies various privacy best practices including the understanding that persons in the European Union countries have a right to protection of their personal information, called “Personal Data”.

GDPR’s privacy protection laws cover Personal Data of individuals in most European countries, as well as data used and stored in those nations. Individuals in those areas have a legal right to keep their personal information private, and to direct the ways in which their information may be used. That personal information may only be used with the clear consent of the identified individual. Personal Data includes each person’s name address, email address, and other private information.

GDPR is having a much wider impact on the meetings industry than many other types of businesses given the meetings industry global footprint. Since meeting attendees come from all parts of the globe, and do business around the world, GDPR's requirements must be observed for more than just Europeans, or for businesses headquartered in Europe. All those in the industry – including hotels, DMCs, convention bureaus, and planners – must consider the implications.

Businesses subject to GDPR may have different responsibilities, depending upon how they handle Personal Data. A “Controller” determines the purposes and means for “processing” Personal Data – collection, storage, use, and disclosure, or any other operation performed on that data. A “Processor” is an entity that processes Personal Data for the Controller.

In the meetings industry, a meeting planner is likely a Controller, since the planner directs personal information about guests to hotels, transportation companies, and other service providers. Hotels may also use the guest information they collect, so they may be Controllers as well. An event registration company, which collects and uses Personal Data, would likely be a Processor.

The GDPR enumerates six lawful justifications for processing personal data and requires that all data must be processed under one of these justifications:

- **consent** of the data subject
- processing necessary to protect **vital interests**
- processing necessary to perform a **contract**
- processing necessary for a task carried out in the **public interest**
- processing necessary to comply with a **legal obligation**
- processing necessary for the **legitimate interests** of the Controller

Perhaps the most important is that a business must secure knowing and affirmative opt-ins from each individual whose Personal Data will be used. This means that a person must purposefully check

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“I agree” to each way a business might use his data, including for mailing lists, email blasts, and sharing data with marketing partners. If a person is already in a list of contacts, the business must secure her consent before continuing to use her personal data. Violations of GDPR may mean substantial fines for the offending business.

Businesses with no connections to individuals in Europe may have no need to comply with GDPR. The same can be said for companies that do no business in Europe, or with European businesses. But meeting industry stakeholders are likely to be subject to the law given the inherent global reach of meetings and travel, so they should take steps towards compliance to avoid potential fines.

Meeting professionals must be particularly vigilant to comply with GDPR, as many parties involved with planning are provided with Personal Data of attendees such as names, email addresses, and credit card numbers. Planning companies, meeting sponsors, hotels, transportation companies, and others receiving Personal Data all have their own responsibilities for handling that data appropriately pursuant to GDPR. Those receiving the data directly from attendees must also ensure



that the information they transfer to vendors and others will be protected.

Among the critical steps businesses should take:

- Post a clear and concise GDPR-compliant privacy policy on event registration websites.
- This policy must inform individuals how their Personal Data will be used, and their rights to have that data modified and/or deleted.
- Secure knowing and freely-given consents from individuals prior to using their Personal Data.
- Ensure that there is a legitimate reason to collect Personal Data from individuals, and that only the Data required is collected.
- Adopt effective methods for safeguarding Personal Data received from individuals.
- Ensure that contractors, business partners, and others with whom a business shares Personal Data have adequate protections in place to properly handle and protect that information.

GDPR compliance can be a cumbersome task for businesses that need to comply. But like every law,

compliance is mandatory when Personal Data of covered individuals is involved. Consult with your compliance officer to ensure that this important regulation is properly followed.

Emergency Planning

Recent incidents highlight the need for thoughtful and comprehensive emergency planning around meetings. The past year our society endured mass shootings, terrorism (both domestic and international), unusually harsh weather, and civil unrest. Responsible meeting planning now includes preparing for a calamity. Meeting planners should take precautions, even if the odds of something happening seem remote.

Meeting host organizations are ultimately responsible for emergency planning. But planners frequently take on this task on the host organization's behalf, lending their expertise to ensure that a comprehensive emergency plan is developed.

Proper planning should start with a site visit. Planners should consider what issues might arise at a meeting venue based on experience, such

as attendees' safety concerns while walking city streets from a hotel to the venue, and possible thefts occurring in hotel rooms and function space.

In addition, planners also need to protect against things that could happen. This includes acts of violence, spontaneous civil unrest, medical emergencies, and extreme weather events. Although it may be unlikely that an incident could happen, there are reasonable precautions planners and meeting host organizations can take to prevent injuries and damages, or at least minimize them.

Among the steps to be taken, planners should check for prior incidents at a meeting location. Some areas have higher rates of crime, and others may be more prone to flooding or other natural disasters.

Thought should also be given during the initial planning stages to risks created by meeting attendees and speakers. For example, an event allowing guests to carry firearms that includes social gatherings with alcohol may need to take extra security precautions. Also, a program with a high-profile controversial speaker may need additional security as well.

The costs and means of emergency planning can change rapidly. Before the 2017 concert shooting in Las Vegas, planning for large outdoor events typically involved security to monitor entrances and exits, and possibly crowd control officers. Emergency medical personnel were required mainly to respond to heart attacks and minor injuries that can affect attendees.

After the 2017 shooting in Las Vegas, emergency planning has taken on additional meaning. Planners should consider whether an event is vulnerable to attack however unlikely, and whether planned security measures would be appropriate to prevent a calamity. Access to the event venue for medical personnel responding to a crisis situation should also be considered. No amount of emergency planning can guarantee attendees' safety; but thorough pre-planning can materially reduce the risks.

The means and costs for security and emergency planning should be considered as part of RFPs and during site visits. Costs can be considerable in some cases, so they should be factored into the overall event budget for a meeting location.

A crisis plan is also essential for most meetings. This includes emergency evacuation plans for the meeting venue, which are often available from venue management. A crisis plan should also include emergency communications plans, both for attendees to reach event organizers, and for friends and family of attendees to keep abreast of developments affecting their loved ones. Social media can be an important part of any plan.

The 2017 hurricane in Puerto Rico illustrates the value of a crisis plan. The storm wiped out power and some phone service across the island. If a meeting was in progress when the hurricane hit, a proper crisis plan would have included a way for friends and family of attendees to confirm that each attendee was well. For instance, they might be directed to contact a designated representative of the meeting organizer, or check a meeting website set up to include attendee status information. A crisis plan should also have included a location for attendees to shelter in place, given the likelihood that severe weather might occur during Puerto Rico's hurricane season.

Meeting contracts are critical tools for emergency planning. They are essential for allocating responsibility for security measures and the costs for those efforts. Contracts should also include solid indemnification provisions which protect each party from damages and litigation arising from the other party's mistakes. Proper insurance is critical as well, in amounts and types sufficient to cover liability.

Codes of Conduct

Recent publicity over sexual harassment incidents highlights the need to address improper behavior at meetings. The failure to prevent incidents from arising, and to address them properly when they occur, has led to numerous lawsuits and bad publicity for both individuals and organizations.

Improper behavior is not limited to sexual harassment. Also included are issues arising from bullying, firearms, smoking (cigarettes, e-cigarettes, and marijuana), social media postings, and alcohol consumption. Any behavior that a meeting host finds objectionable to the proper conduct of the event and attendees' comfort may be addressed in an effort to minimize problems.

The most effective way to regulate attendee behavior is a written Code of Conduct. This document should include 3 pieces of essential information: (1) A description of behaviors that are prohibited at meetings and events, such as harassment, excessive drinking and other conduct; (2) Instructions for how an attendee should report improper conduct; and (3) The steps the organization will take to investigate a complaint and respond to offending conduct.

Once a Code of Conduct is created, it must be published to attendees. This may be done by posting the Code on the organization's website and the meeting registration website, by sending copies to attendees by mail, and by posting the Code onsite at the event. Unless the attendees are given the Code of Conduct and asked to review it, there is little chance its important rules will be followed.

Consider how a Code of Conduct can help avoid difficult situations. Many states allow people to carry firearms virtually anywhere, including hotels and restaurants. In those areas, therefore, meeting attendees would have the right to bring a gun or rifle with them to the event. Should a meeting host have a policy of prohibiting weapons, the best way to enforce that policy would be to include it in a Code of Conduct to be circulated to attendees in advance. That way attendees would be on notice not to bring their guns to a meeting, and possible onsite confrontations over enforcement of the policy could be avoided.

A critical part of a Code of Conduct is investigation and enforcement of complaints. Attendees must have a contact person to whom they can report improper conduct, who will act promptly to investigate the situation and take corrective action.

This is also important from a legal perspective. If a complaint is made but no action is taken, an affected meeting attendee may bring a legal action for perceived injuries caused by the organization's failure to prevent and then stop the offending conduct.

Recent news illustrates the importance of a proper investigation and follow-up action. Hollywood actors and government employees have accused superiors of improper sexual advances, and further complained that there was no one at their place of employment to investigate complaints and take action. Businesses throughout the country now recognize the need to stop abusive conduct, and to investigate it and take action when it occurs. The meetings industry should be no different.

Conclusion

Critical legal aspects of meetings continue to change and evolve. We cannot predict how forces both inside and outside the industry will impact the way business will be conducted in the months and years ahead. But it is essential that meeting professionals proactively adapt to these changes, to avoid increasing liability exposure due to changing legal requirements and unanticipated harms.

Note: The information in this article does not constitute legal advice. Please contact an attorney for legal advice on the subjects discussed.

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