

Marc Elshof

Partner



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Overview

Marc Elshof is a partner in our Amsterdam office, Co-Head of Europe Data Privacy and Security, and an integral part of the Dutch FinTech team. He has vast experience in handling and managing complex IT and data protection matters.

Marc advises our global clients on their national and cross-border data protection issues and worldwide data protection strategies, as well as on cybersecurity issues.

Furthermore, he advises clients on their IT matters, including complex IT contracting, software licensing, SaaS agreements, and claims arising from failed IT projects.

Marc graduated cum laude from the Grotius Academy, where he took the specialist course in IT law. He regularly speaks at industry events about data protection in general and the GDPR in particular.

Experience

- **Singaporean Technology Company:** Advising the client on the data protection elements of its blockchain based technology platform.
- **Multiple Fortune 500 Companies:** Assisting a number of Fortune 500 companies on their pan-European implementation of the General Data Protection Regulation.
- **Leading Dutch payment services provider:** Advising the client on the financial regulatory, data privacy and IT/IP related aspects relating to its acquisition of a competing payment service provider.
- **US IT Company:** Assisting in negotiating on behalf of the client with Dutch government institutions, which are buying the company's products - customized software services to government departments.
- **US biotech company:** Advising a biotech company entering the European market (Netherlands) on its compliance with GDPR and building a robust privacy framework.
- **Dutch headquartered bank and insurance company:** Assisting the client in its participation in a Dutch PSD2-Account Information Service Provider. We assisted on the regulatory and data privacy aspects relating

to this this participation.

- **US headquartered cloud technology provider:** Providing strategic data privacy advice including in relation to its “Powered by” model and international data transfers. Marc further assisted the client in the contract negotiations with a number of large Telecom operators.
- **Pan-European hotel chain:** Advising the client on its Europe-wide data protection compliance, including on guest registration, COVID-19 related questions, employee screening, international data transfers, and the privacy aspects of a new hotel property management system. Additionally, Dentons is assisting the client in the negotiations of large and highly complex contracts with its many IT vendors in an effort to create a completely new and unique IT infrastructure for the hotel industry.
- **Global investor in large shopping malls:** Advising the client on all its Dutch data protection, IT, and IP matters. Our team is also advising on the legal aspects of the introduction of loyalty cards for visitors, face recognition software for mall security, international data transfers in the wake of the Schrems II decision by the European Court of Justice, as well as continued implementation of the GDPR more broadly.

Recognition

- *Legal 500 2021: Data Privacy and Data Protection:* Marc Elshof is recognized as a Next Generation Partner. "Highly qualified, I can just pick up the phone and brainstorm with Marc Elshof. Easy to work with." Marc Elshof is "a real expert on IT-contracts who has in-depth knowledge on his clients' businesses and ensures that his clients are properly advised and protected, without losing sight of the counterparty's interests".
- *Legal 500 2020: Data Privacy and Data Protection:* Marc Elshof is recognized as a Next Generation Partner. Marc Elshof is "extremely knowledgeable, professional and responsive." "Marc can simplify complicated (GDPR) matters, leaving the client with clear decisions to make, not hesitating to sketch a bigger picture by taking relevant other fields of expertise such as public relations aspects or IT into account." Marc Elshof is prized by clients for his "very broad and proactive outlook on GDPR matters and ICT".

Insights

- Co-author, "Verplichting van platformbeheerder om gegevens te verstrekken," *IP&T Bites newsletter*, August 2021
- Co-author, "Digital Services Act," *IP&T Bites newsletter*, July 2021
- Co-author, "New e-commerce vat rules; webshops and platforms watch out," *IP&T Bites newsletter*, July 2021
- Co-author, "Sustainability claims in marketing strategies," *IP&T Bites newsletter*, July 2021
- Co-author, "Choice of forum: regular courts (including NCC) vs arbitration," Dentons client alert, June 2021
- Co-author, "Dutch works councils and employees' privacy: personal data and employee tracking systems," *Employment / Privacy Alert Dentons the Netherlands*, May 2021
- Co-author, "Software licensing and audit," *IP&T Bites newsletter*, March 2021
- Co-author, "GDPR Update - Biometric Data," *Dentons GDPR Update*, December 2020
- "Getting started – clearing the legal hurdles for your transformation project," "Business Going Digital" online guide, July 2020
- Co-author, "GDPR Update - Right to receive compensation," *Dentons GDPR Update*, May 2020
- Co-author, "GDPR Update - Data Security," *Dentons GDPR Update*, April 2020

- Co-author, "GDPR Update: EDPB video surveillance guidelines," *Dentons GDPR Update*, September 2019
- Co-author, "GDPR Update: Camera Surveillance," *Dentons GDPR Update*, February 2019
- Co-author, "EDPB Guidelines on the territorial scope of the GDPR," *Dentons GDPR Update*, December 2018
- Co-author, "GDPR Update: Data protection impact assessments (DPIAs)," *Dentons GDPR Update*, November 2018
- Co-author, "GDPR Update: Overview of developments since May 25 2018," *Dentons GDPR Update*, October 2018
- Co-author, "GDPR Update: Overview," *Dentons GDPR Update*, May 2018
- Co-author, "GDPR Update: Profiling and Retail," *Dentons GDPR Update*, April 2018
- Co-author, "GDPR Update: The Processing of personal data in the employment context," *Dentons GDPR Update*, March 2018
- Co-author, "GDPR Update: Sanctions," *Dentons GDPR Update*, February 2018
- Co-author, "GDPR Update: One Stop Shop," *Dentons GDPR Update*, January 2018
- Co-author, "GDPR Update: Regulators (competence, tasks and powers)," *Dentons GDPR Update*, December 2017
- Co-author, "GDPR Update: Transfer of Personal Data (outside the EEA)," *Dentons GDPR Update*, November 2017
- Co-author, "Data Protection Officers," *Dentons GDPR Update*, October 2017
- Co-author, "Meldplicht Datalekken onder de loep," *Vastgoedmarkt*, October 2017
- Co-author, "Data breaches and notifications," *Dentons GDPR Update*, September 2017
- Co-author, "Data Processors," *Dentons GDPR Update*, August 2017
- Co-author, "Rights of the data subjects (erase, restriction, object and automated individual decision-making)," *Dentons GDPR Update*, July 2017
- Co-author, "Rights of the data subjects (access, rectification and portability)," *Dentons GDPR Update*, June 2017
- Co-author, "Rights of the data subjects (information notices)," *Dentons GDPR Update*, May 2017
- Co-author, "Accountability Privacy by Design and Privacy by Default," *Dentons GDPR Update*, April 2017
- Co-author, "Sensitive personal data," *Boekel GDPR Update*, March 2017
- Co-author, "The concept of Consent," *Boekel GDPR Update*, February 2017
- Co-author, "Introduction & Territorial Scope," *Boekel GDPR Update*, January 2017
- Co-author, "De zorgplicht van de verhuurder en de handhaving van intellectuele eigendomsrechten," *WR 2017/1*, p. 1-4

Activities and Affiliations

Marc Elshof has registered the following principal and secondary legal practice areas in the Dutch Bar's register of legal practice areas:

- ICT

- Privacy Law

Based on this registration, he is required to obtain ten training credits per calendar year in each registered principal legal practice area in accordance with the standards set by the Netherlands Bar.

Presentations

- Speaker at the lustrum conference of the Dutch Association of Lease Law on privacy in the retail sector

Memberships

- Member of the Dutch Association of Privacy Lawyers (Vereniging Privacyrecht Advocaten)
- Member of the Dutch Association for Privacy Law (Vereniging Privacyrecht)
- Member of the Dutch Association for Internet Law (Nederlandse Vereniging voor Informatietechnologie & Recht)
- Member of the Dutch Association of Information Technology Lawyers (Vereniging Informatierecht Advocaten)

Prior and Present Employment

- Dentons (formerly Boekel), 2007 to date
- Boekel London, 2012 - 2013
- Boekel London, 2010 - 2011

Areas of focus

Practices

- Intellectual Property and Technology
- Privacy and Cybersecurity
- Litigation and Dispute Resolution
- Corporate
- Intellectual Property and Technology
- Commercial Agreements
- IP Contracts, Assignment and Licensing
- Compliance
- Technology Procurement, Development and Licensing
- Privacy and Cybersecurity

Industry sectors

- Retail
- Technology

- E-Commerce, Internet and E-Payments

Education

- Grotius Academy, 2014, Course, IT law (cum laude)
- Nijmegen University, 2007, Dutch Law (with recognition)

Admissions and qualifications

- Amsterdam Bar Association, 2008

Languages

- Dutch
- English
- French