

Anne-Marie Allgrove

Partner and Global Chair of IP/Tech, Baker McKenzie

Belyndy Rowe, Senior Associate at Sainty Law, sits down with **Anne-Marie Allgrove**, Partner at Baker McKenzie and the Global Chair of the Firm's IP, Data and Technology practice, to discuss data, privacy, careers, and Anne-Marie's contribution to global diversity and inclusion within her firm. She has been recognised in both Chambers and The Legal 500 as a leading individual and was named a Best Lawyer of the Year for Privacy and Data Security in 2020.

BELYNDY ROWE: Anne-Marie thank you for speaking with me today. Can you please tell me a little about your current position and give a brief overview of what it is you do in your role as Global Chair of Baker's IP Data and Technology Group?

ANNE-MARIE ALLGROVE: I am a partner here in our Sydney office. As part of our IP / Tech practice I specialise primarily in data and privacy related issues, as well as large outsourcing and services transactions. In terms of my role as Global Chair, I see my role as bringing us together and ensuring we are continually focussed on ensuring we have a world class IP/Tech practice. We have 6 business units that cover brand management, brand enforcement, patents, digital services, privacy and data security, technology contracting and transactions. Really the full gamut.

So the role is about bringing everyone together, operating as one to ensure that we are doing top quality work, facing the market with the best we can be, and that our people can thrive. One of our big focus areas is on our pipeline and making sure we're bringing through the right talent globally where we need it, to be able to deliver to our clients as they need it.

BELYNDY: What led you to this job? What would you say most motivates you to do what you do?

ANNE-MARIE: Like with a lot of people, I kind of fell into the law and just discovered that it suited me, and I really enjoyed it. I've been at Bakers for 30 years now so clearly the place suits me. I've had lots of opportunities, been overseas, lots of different roles so it's clearly given me the challenges that I have looked for. That's what motivates me.

I find the law challenging, I love helping people, so I think that whole service mentality that comes with legal practice really suits me. And then it's the people. Day to day as I've become more senior in my role, it's the people that have kept me here. Finding ways that we can engage and retain the best talent we have, so we have a legacy going forward.

And the issues we deal with never repeat. I can't remember ever being bored in my role. Even after 30 years. There would be

other things I might say from a challenging perspective, but boredom has never ever been an issue.

BELYNDY: You were focusing on data before it became as popular as it is today as an area of legal practice, partly due to your practice focusing on the tech and health sectors. How has a data practice changed for lawyers over the course of your career?

ANNE-MARIE: I think it has fundamentally changed. Around 20 years ago when we started to focus on privacy and personal information, it was quite small and nascent, and driven largely by European concerns in this area. It is now about data, not just personal information, but data more broadly. It is such a fundamental asset to clients. Clients have issues around confidentiality and valuing assets and monetising data. And then you've got your security issues, a lot more government regulation around what you can do with data, and where it can be located, what access the government can have, so it's just grown exponentially - both in terms of the regulatory environment and the opportunities it presents.

Globally people are managing and trying to deal with all these issues; as well as many others including the taxation of digital services, transparency for consumers, enhanced consumer rights, and competition issues. The regulators are still playing catch up in a lot of respects.

The role of data has fundamentally changed, and is front and centre for more and more companies in terms of their business strategy - whether it's tech, health or any other sector.

For several years I was head of our tech industry group, and I used to joke that I could pretty much claim every client to be a tech client. More and more companies, whether they were banking clients, or consumer and retail clients, were offering tech enabled solutions and positioning themselves in the market as tech companies whether they were for example in the health sector or the finance sector.

BELYNDY: The pandemic has led to increased data sharing as individuals are asked to hand over their data in exchange for social freedoms. As organisations have navigated the difficulties of covid testing for employees, and the idea of 'vaccination



passports' was being processed globally, how can we ensure we keep a balance between use of data and technology to solve pressing problems, on the one hand, and protection of personal information, on the other?

ANNE-MARIE: I think one of the fundamental values or principles behind any privacy regime is proportionality. More and more we need to make sure we set the boundaries appropriately. Each involves a compromise of one kind or another, a balance of different interests, and we are prepared as individuals to make those compromises. We just need to make sure those compromises are being made consciously and within clear parameters.

Whether it's ensuring regulatory regimes or actual practices to assist us to reopen workplaces and venues, we have to have the right balance: what are we gaining from it, versus what is someone giving up in return? And are we accepting that as a society? It requires that balance, and the equation is going to differ from time to time depending on what the benefits are.

BELYNDY: Proportionality is not always an easy concept to apply. How do you assist clients to make this assessment?

ANNE-MARIE: It's very difficult. If you're a government you need to balance the national interest and the rights of individuals (at least that is what we would expect in a society such as ours).

For a private organisation, a lot of it is testing the boundaries. You've got marketing and other teams always looking to test your boundaries of what they can do with the data. More and more organisations are considering the ethical parameters to apply. Those boundaries change, as we have observed over many years.

Someone was saying to me the other day, and I thought really it was very insightful, it

used to be that we found it quite unsettling when people could tell that you were calling because they could see your phone number, and now we won't answer the call unless it does tell us who's calling. If it doesn't have a caller ID, you go 'oh well I'll wait until I know who it is'. We have fundamentally changed the way we perceive that, and that happens all of the time.

That's where lawyers have a broader role, playing almost an ethical role in thinking through the issues. There are things you can do legally. Technically speaking you may be able to make broad uses of the information that has been collected, particularly if it's not sensitive. But the question must come back to: is that the right thing to do? And that's a difficult one, because there are many different interests at stake. But it is about bringing that lens to it, and questioning, and raising some of those questions. It's not necessarily that you're going to stop certain things happening but making sure the client has considered those things as they go out to market.

BELYNDY: How does a client's risk profile impact this equation?

ANNE-MARIE: Clients can have very different perspectives. Some are very risk averse and want to focus on a compliance mentality. Others take very much a reputational, and a 'what's right in the market' approach and we're seeing that across a broad range of issues, whether that's sustainability, gender, diversity. Generally, companies are bringing a much broader perspective to a lot of what they do. And I think that we'll see this more and more around things like use of data. The question is often: "where do those lines get drawn?" And those lines get moved all the time. And society moves them. We're in a very different position now to what we were 20 years ago with what we expect people to do with our data. In some ways people are turning to lawyers and saying "help me to figure out where the lines are". And it's not always necessarily a legal line.

BELYNDY: Privacy has been firmly in the spotlight for years now. Is the rate of regulatory development going to slow?

ANNE-MARIE: No I really don't think so. What we are seeing is that it's gone way beyond privacy regulators. We are going into competition regulators and we're seeing so much convergence happening. Data is such an integral part of society and the commercial world these days, it's going to continually evolve. Because it changes so fast, and its usage changes so fast, and the opportunities around it, the societal norms around it, it means that you're just going to keep having a fluctuating and changing environment.

BELYNDY: Global organisations are increasingly having to consider how to comply with multiple privacy standards jurisdictions introduce or seeking to introduce more robust data protection laws, often similar to a GDPR-style standard. Will we see this continue?

ANNE-MARIE: I'm hoping we get to a little bit more consistency globally, and certainly some of the privacy reforms being discussed in Australia now will, if implemented, bring about some more consistency with international standards. It's very hard and I'm not sure whether that will happen or not, but there are some areas where I think some greater consistency and some greater approaches from a global perspective – obviously the EU succeeded in doing it in its frame, but beyond that that would be helpful.

But these things are challenging and the chances of that occurring I think are very slim. We're seeing a lot more interconnectivity and communication between regulators in different parts of the world, and that brings some consistency of approach in some areas, but I think the likelihood of having a singular system globally is very low.

But at least we're starting to see similarities across regimes. But you've always got twists and even though countries are emulating others, they emulate them but it's not quite the same for commercial or economic reasons, and for social reasons. Everyone has a different perspective and we've seen that in the way the different privacy regimes have played out globally. Security issues play a big part in all of this as well, so national interest is relevant. The challenge of avoiding nationalism impacting significantly on the ability to do things globally is also a key consideration.

This is going to be an ongoing space where we're going to have regulatory development continuing, and changes in uses of data happening all the time. In such a complex environment, perfection is not what we are aiming for; it needs to be a risk management perspective. And that risk management profile depends on where you sit in the market, what your interests are.

Some take a riskier approach because they feel that it is most appropriate for them, others take a more conservative approach, and you see more and more companies using data as a distinguishing factor. They are actually being more robust and more conservative than some of their obligations, just so they can go out to market and say look we take this stuff seriously... and we care, so you can have very different approaches.

It's nuanced with grey areas - data is an art not a science.

BELYNDY: You have advocated for diversity in the workplace as Baker McKenzie's Chair of Diversity and Flexibility in Australia and the Asia Pacific representative on the firm's Global Diversity and Inclusion Committee. Have you seen changes in workplace attitude over the course of your career? Can you tell us a bit about what measures Bakers is taking to see more women in leadership positions?

ANNE-MARIE: There has been enormous change and there is still lots of change

to occur. You see that in the numbers, particularly coming through the ranks. We still have challenges at the senior levels. I've commented to people often that when I started in this space, there was very few using words such as Diversity and Inclusion (D&I) and championing these issues.

Now if I think about us as a firm for example, or other organisations, it's a common theme in any statement that leaders are making globally, D&I is front and centre, people are understanding how important it is. We may not have achieved all the things we want to achieve, but it's now in the mainstream of the conversation. It no longer sits on the side as an issue for only a few people. It went from an issue for a few people, to an HR issue, to now a central organisational issue.

And that is a fundamental shift. It changes things completely because you start having the right discourse around the issues and the right people around the table to have the conversations. You can really help effect change.

It doesn't mean we have achieved all we want to be and recent OECD numbers show Australia to be still very low down in terms of gender equality as a nation. That horrifies me and surprises me. But at the same time it doesn't, when I see some of the things going on around us. It is really frustrating.

And as an organisation, we're still challenged to get women into our leadership roles, particularly when you get to equity partner level. We have set targets of 40 / 40 / 20 which is 40% women, 40% men, and 20% either or non binary. We are very committed to that and it has become front and centre of our pipeline and leadership discussions. They are targets, and we have set KPIs for countries and offices to ensure that if they are not heading in the right direction, steps are being taken. This involves ensuring that you've got a really rigorous promotion process where people can identify the criteria and be reviewed objectively. So you're not relying on the intuition of someone pointing to someone saying "oh I think she would be very good".

It's made a fundamental difference to our promotions and the growth of our number of female national partners (our non-equity partners). We have now moved to over 40% women in our national partners. A whole lot of steps have been taken around promotional processes and ensuring a fairer work allocation. These measures are aimed at ensuring women are getting the opportunities. Things like parental leave policies that have fundamentally changed, and we provide this for both men and women to take anytime over a two year period. And really encouraging our men to take it and focussing on changing the discourse around that.

We have tried to take a variety of different steps including requiring management committees at the firm to include gender diversity. These measures are a base requirement that we can grow from, but for me really the key is still leadership. We need to have the right tone from the top making this an imperative for everyone, and identifying the opportunities for people.

BELYNDY: What has the response been to the D&I measures within the firm?

ANNE-MARIE: We have had a fantastic response to our parental leave policies. We have undertaken several years ago a whole program based on the 'male champions of change'. This program facilitated effective conversations (listening forums) that led to over 50 recommendations for changes across a number of areas including performance evaluations, work allocation, remuneration, and behaviours.

We have implemented nearly all these recommendations. There is still more we can do. I'm not standing here thinking it's done, or that everything is now done properly. Absolutely not. But we have fundamentally changed how we have dealt with some of these issues. The changes implemented benefit both our men and women.

BELYNDY: Do you have any key mentors or people who influenced who you are, and what you are committed to in your work and life? Can you please tell me about them?

ANNE-MARIE: I've had professional and personal mentors. Professionally a couple of people have been very big supporters and really encouraged me to put myself out there and supported me in taking on different roles.

Interestingly most of them are men, but that was the case because most of them at that stage were men in the leadership positions. But there have been several women as well, particularly later on in my career, who really stepped up and supported me. Professionally I feel I've had

a really strong cohort of people that have mentored, sponsored and supported me through.

Personally my parents didn't put any parameters on what I could achieve. Anything I did they supported 100% even if my decision seemed to be a bit at odds to the things that they had done or the way that they would have done it. My husband is unwavering in his support. There is never a moment when he says 'do you really think you should do that?' or 'could you pull back from that' - it's always 'how are we going to do this together?'. It's a team.

When people say "can I have advice, how do I make it work?" I say partner-up well on all fronts (personally and professionally). Then pretty much anything is possible.

Also remember everything you do along the way is an investment in your future and you have got to think of it in the longer term not just in the shorter term. When life is busy, or you have young children and your world becomes completely overwhelming, it's hard to even see the end of the day, let alone see five years down the track. Staying connected to opportunities during that time is so valuable. Keep your options open, end goals may change, but think about it longer term. Whatever decisions you make are valid, but remember to value yourself in making those decisions. I find a lot of women don't value themselves enough in that picture.

BELYNDY: What prompted your involvement and leadership in D&I?

ANNE-MARIE: Pure personal frustration seeing things and thinking, "this is not acceptable". We did a people survey globally many years ago which included questions about partnership ambitions and the difference between male and female ambitions to become a partner were stark. It really struck me and I wanted to figure out why we had such a different lived experience for our men and our women within our organisation. So that really started to drive me.

I could see what was happening to people around me. You can't be what you can't see, as they say. So it's really important getting women up into leadership which is why I get very sad when women leave organisations like ours, because it does reduce the pool for us as future leaders. I think it's really critical across society that we have much better gender diversity and a broader framework from which to get more leaders.

BELYNDY: What is next for you in your work? What are you looking forward to?

ANNE-MARIE: I'm really enjoying this stage of my career. I feel like I've got a practice that's going well. I'm very proud of my team and I'm very proud of my global role. My whole reason for taking on a global role was so that I would be in a position to bring through another generation of leaders. So for me at the moment it's really about setting it all up for success longer term and ensuring that we continue that.

I've managed within my work to have not only the client satisfaction, the practice satisfaction, but also the people side through the diversity work that I do. I also helped establish our current pro bono practice which is now a partner led practice with two senior associates and a community service and indigenous engagement lead which I am very proud of. All those different aspects give me a lot of job satisfaction, so I feel very lucky that I've managed to combine all of those within one career at the moment.

I don't know what will be next. I'll have to wait and see. It will be a combination of all the things that I do enjoy doing, which is legal work, people, pro bono - some kind of combination of those. Outside work, it's family and friends. They keep me going. They are the most important thing and I am thoroughly enjoying that.

BELYNDY: Anne-Marie, thank you for sharing your ideas and experiences.

ANNE-MARIE: My pleasure. It was really nice to speak with you.

Contributions & Comments

Contributions and Comments are sought from the members and non-members of CAMLA, including features, articles, and case notes. Suggestions and comments on the content and format of the Communications Law Bulletin are also welcomed.

Contributions in electronic format and comments should be forwarded to the editors of the Communications Law Bulletin at: clbeditors@gmail.com