

BRISTOWS

Data privacy compliance, GDPR and much much more!

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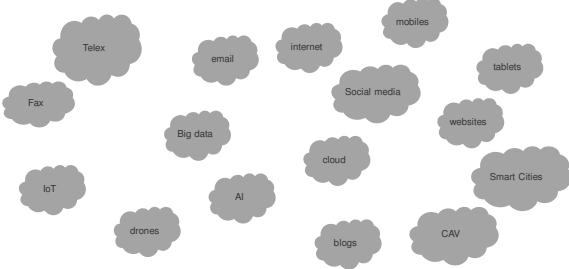
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40 years ago we did not have.....



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Privacy Compliance as a C Suite Issue









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## Understand jurisdictional privacy frameworks

- Historical influences and empires
- English common law influences
- European civil law influences
- OECD Guidelines (1980/2013)
- Convention 108 (1981)

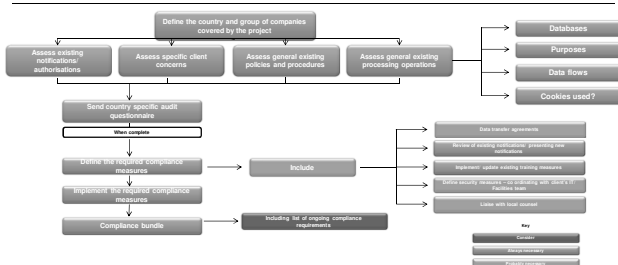


## Challenges and Process of Developing a Privacy Program -- Basic Thoughts

- Don't Get Paralyzed -- Waiting For Perfection Will Result In Nothing Getting Done
- It's a Team Effort -- Get the Right Stakeholders Involved
- Start With the Simple Things and Move On From There
- Don't Forget It's Not Just Digital Data
- Remember Your Third Parties / Processors
- Prepare for Crisis



## Our road map approach to data privacy compliance



Theoretically huge fines...



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**GDPR compliance is focused on a fixed point in time – it's like the Y2K Millennium Bug**

"I'm still picking up a lot of concern from organisations about preparing for the GDPR by May.

Much of that is understandable – there's work required to get ready for the new legislation, and change often creates uncertainty.

However some of the fear is rooted in scaremongering because of misconceptions or in a bid to sell 'off the shelf' GDPR solutions.

I've even heard comparisons between the GDPR and the preparations for the Y2K Millennium Bug.

**I want to reassure those that have GDPR preparations in train that there's no need for a Y2K level of fear"**

Elizabeth Denham, Information Commissioner

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## Data Protection Principles

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## Data Protection – Preparing for GDPR

### Data Protection Principles

8 Key principles of DP law  
Personal data must be...

Processed fairly, lawfully and in a transparent manner ( <b>lawfulness, fairness and transparency</b> )
Collected for specified, explicit and legitimate purposes and not further processed in a way incompatible with those purposes ( <b>purpose limitation</b> )
Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ( <b>data minimisation</b> )
Accurate and, where necessary, kept up to date ( <b>accuracy</b> )
Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed ( <b>storage limitation</b> )
In accordance with data subjects' rights ( <b>rights of the data subject</b> )
Processed in a way that ensures appropriate security of the personal data ( <b>integrity and confidentiality</b> )
Not be transferred to a third country or to an international organisation if the provisions of the Regulation are not complied with ( <b>transfers</b> )

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## Lawfulness of processing and consent

## Data Protection – Preparing for GDPR

### Lawfulness of processing, legitimate interests and consent

- More flexibility to rely on 'legitimate interests' as a lawful ground to process personal data where there is a **relevant and appropriate connection** between the data controller and data subject
- **Consent** – remains very high standard
- Must be **distinguishable from other matters** and provided in an intelligible and easily accessible form, using **clear and plain language**.
- It must be as easy to withdraw consent as it is to give it

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## Data Protection – Preparing for GDPR

### Information to be provided to individuals

- Concise, transparent, intelligible and easily accessible form
- Clear plain language
- Iconography

**Keep It Simple, Stupid!**




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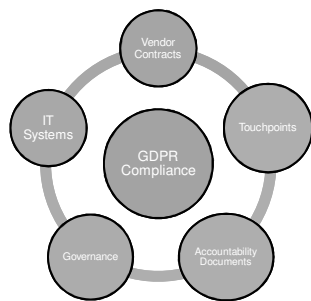
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## GDPR Compliance in Practice



**Less than 100 days to go!**

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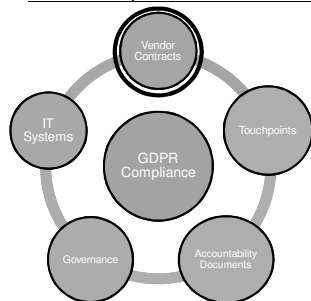
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## GDPR Compliance in Practice – Vendor Contracts



- Controller and processor both responsible for appropriate terms
- No transition period for updated terms. Review, prioritise and amend your existing contracts
- **De-scope** as many as you can: (i) expires pre-May (or 6 months post-May), (ii) no processing, (iii) vendor not a processor, (iv) MSA with no live SOWs, (v) large cloud vendors.
- **Prioritise:** volume/sensitivity of data, business criticality, service portability, duration, location.
- Remember to update templates too for new suppliers
- Send a standard processor addendum out?

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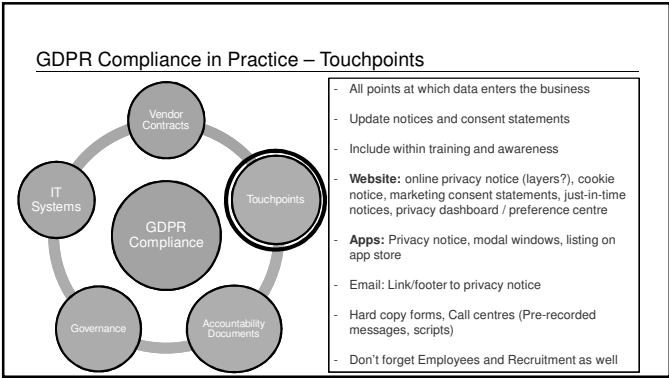
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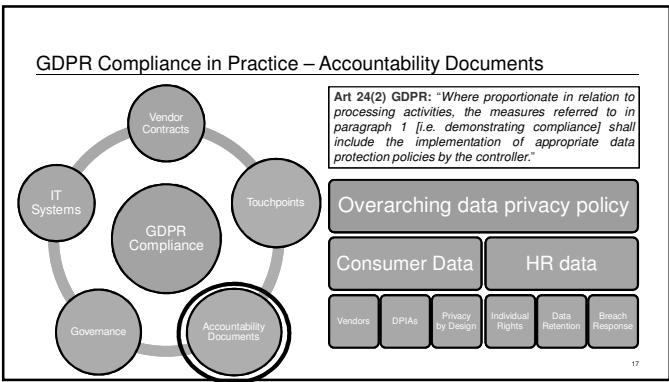
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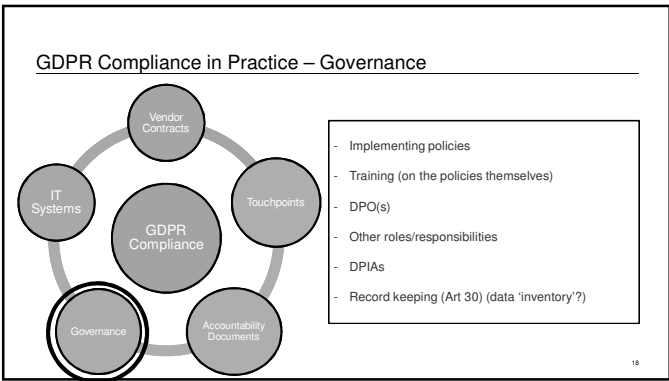
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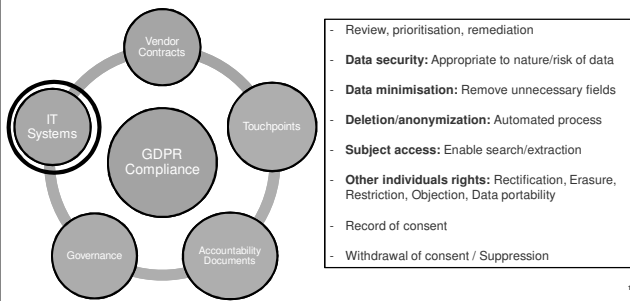
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## GDPR Compliance in Practice – IT Systems



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## Data Protection – Preparing for GDPR

### Sanctions for non-compliance are more than just for data breaches

#### Sanctions for non-compliance – two levels of fines...

➤ Up to the greater of **2%** annual worldwide turnover of preceding financial year or **EUR 10 million** – for matters re internal record keeping, data processor contracts, data protection officers, data protection by design and default

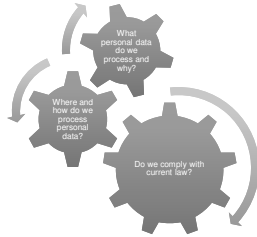
➤ Up to the greater of **4%** annual worldwide turnover of preceding financial year or **EUR 20 million** – for matters re breaching data protection principles, conditions for consent, data subjects' rights and international data transfers

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That dam breach or that damn breach?



What now?  
Take a deep breath and ask.....



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Thank you

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