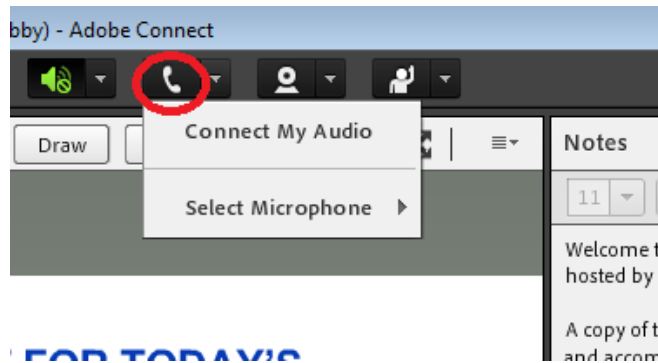


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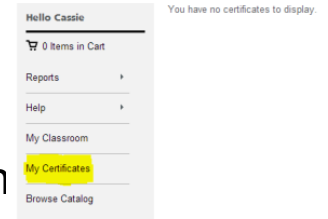
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Using Information Governance Strategies to Prepare for the GDPR

Presented by Bloomberg BNA and FTI Consulting

Ahmed Baladi, *Partner*, Gibson Dunn

Ed Walker, *General Counsel*, DT Group

Sonia Cheng, *European Information Governance Leader*, FTI Consulting

May 18th 2017

Welcome

Ahmed Baladi,
Partner
Gibson Dunn



Ed Walker,
General Counsel
DT Group



Sonia Cheng,
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AGENDA

- Introductions and Overview
- Prioritising GDPR compliance actions
- Lessons Learned
- Privacy and Information governance
- Budget and resource constraints
- Next Steps, Q&A

GDPR background and overview

The GDPR was published on 4th May 2016, and will be immediately applicable on **25th May 2018**

to **any** organisation which operates in the EU market

Introduces cross-industry **72 hr** breach reporting to regulators

Non-compliance has the potential to lead to fines of up to **€20m or 4%** of total annual turnover

Increase in territorial scope

Introduction of PIA's

Elevated threshold of consent

Increased breach requirements

Further processing diligence

Data Protection Officers

Due diligence on vendor processing

Enhanced privacy rights

WHAT'S CHANGED?

1995

- Limited accountability and European reach
- Local law divergence
- Exposure to multiple data protection authorities
- Reactionary privacy and control
- No obligation to report on breaches
- Right to be remembered
- Limited financial repercussion

2018

- Global reach and verbose accountability
- Uniform regulation across the EU
- Centralised data protection oversight
- Privacy by design
- Obligation without delay
- Extended data requirements
- Right to be forgotten
- Two-tier system of enforcement

Prioritising and starting GDPR compliance actions



Assess GDPR Impact:

- Review requirements and applicability
- Identify gaps, areas of risk
- Develop Roadmap, Action Plan, Budget



Rights of Data Subjects:

- Consider applicability for right of access, rectification, Right to erasure/to be forgotten, data portability
- Define workflow, roles & responsibilities around response



Data Protection Officers (DPOs):

- Identify need and resource requirements
- Recruiting and on-boarding



Privacy Notices:

- Review all existing notices, policies for compliance
- Partner with Legal counsel



Data Map

- Inventory your personal data
- Document where the data flows



Cross Border Data Transfer:

- Justifications for cross border data transfers
- Model Clauses, unambiguous consent, BCRs



Privacy Impact Assessment & Privacy by Design:

- Assess risks for specific areas, systems or projects
- Update system provisioning processes, policies, procedures, roles, and technical standards
- Review and align with Enterprise Risk Framework



Data Breach Reporting:

- Refresh breach response and notification protocols
- Implement and document security measures
- Enhance security training, policies and procedures

Successes and cautions

What have we learned along the way?

■ Know your approach

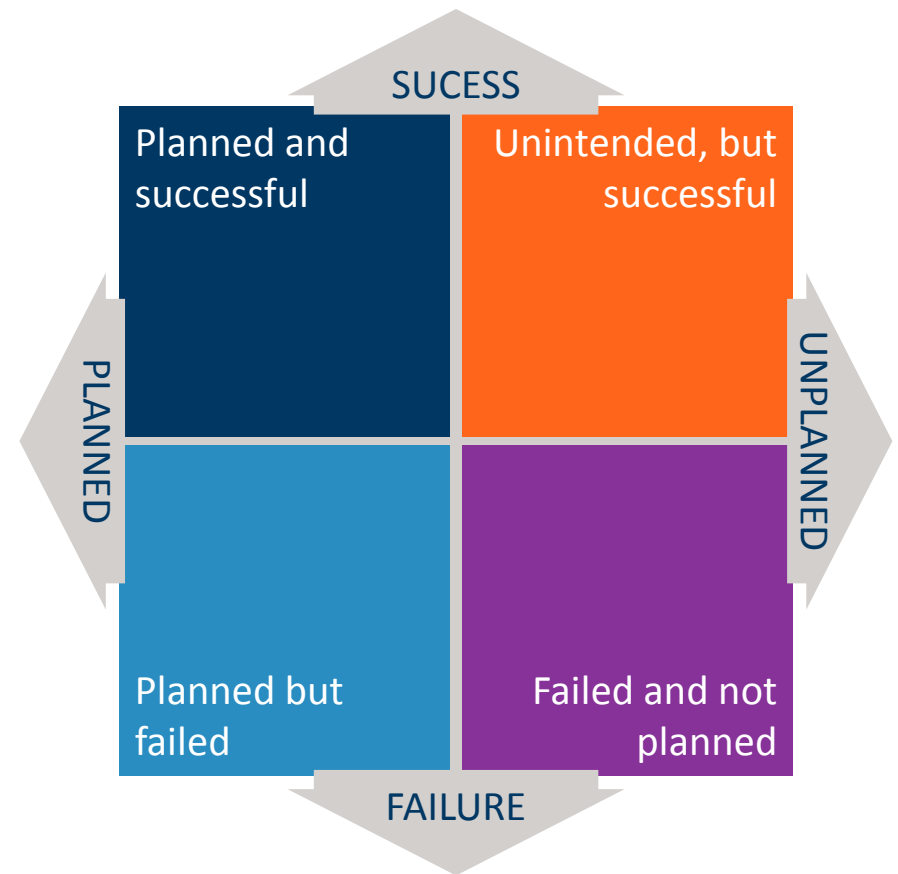
- Identify high risk processing and determine impact
- Tailor by country/business
- Process first, technology as an enabler

■ Consider company culture and stakeholders

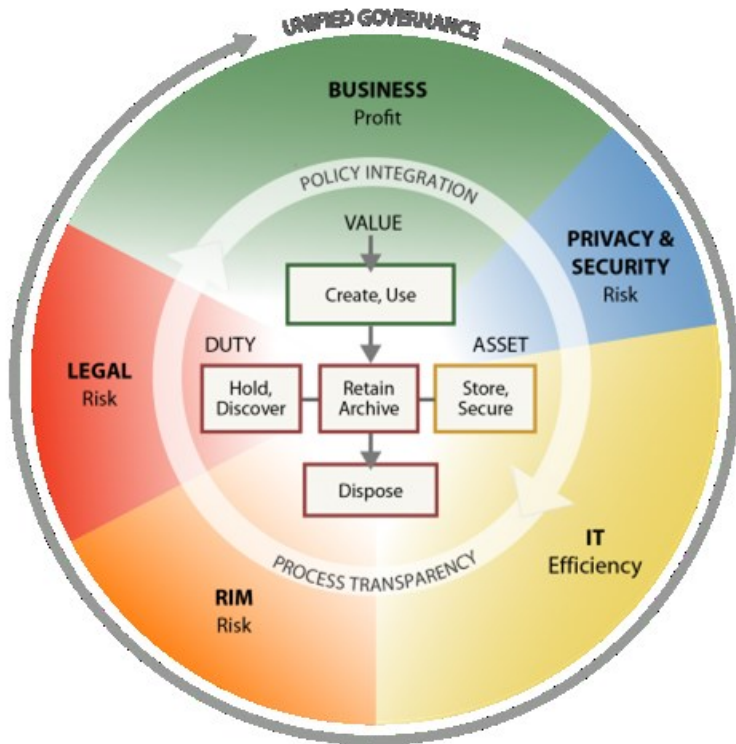
- Customer/client centricity
- Change and transformation
- Sponsorship and governance model

■ Do your homework

- Explain terminology
- Give relevant examples
- Develop a clear method, timelines, expectations



Privacy and Information Governance



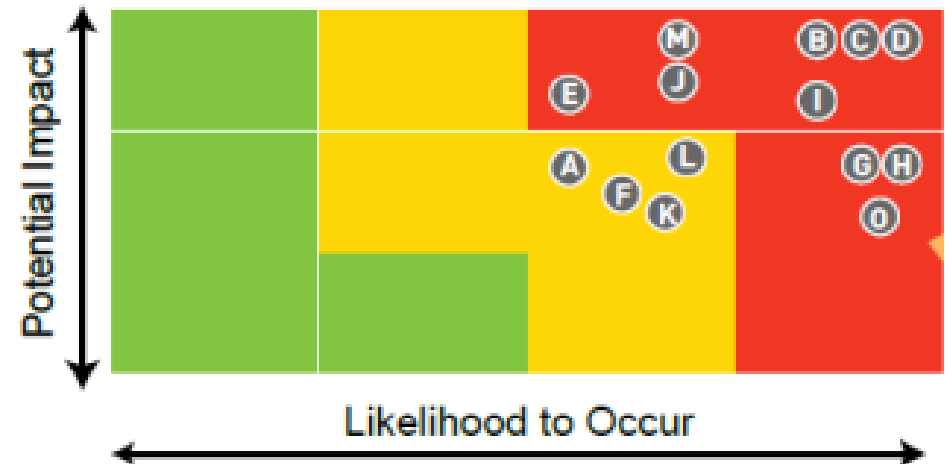
- **People:** Records management personnel, privacy officers, enterprise architecture, IT specialists, legal counsel, employees and stakeholders must work together to ensure information is properly and securely stored, accessed, processed, transported, migrated, retained and destroyed.
- **Process:** Integrating privacy into an organisation's policies and procedures is a critical component to having a robust information governance program.
- **Technology:** Identify and leverage enterprise wide initiatives and technologies to help support and enable GDPR readiness
 - Enterprise data mapping initiatives
 - ILM, data governance
 - Migrations to the cloud (Office365)
 - In-house eDiscovery/litigation readiness capabilities
 - Archiving and Records Management

DATA LIFECYCLE	PRIVACY PRINCIPLE	PROTECTION MEASURE
Collection	Proportionality and purpose specification	Data minimisation, Data quality
Storage	Accountability, Security measures, Sensitive data	Confidentiality, Encryption, Pseudonomisation
Sharing and processing	Lawfulness and fairness, Consent, Right of access	Data access control, Data leakage prevention
Deletion	Openness, Right to erasure	Retention, Archival, Erasure

What to do when budget and resources are constrained?

- Risk calibrate your efforts. What industry are you in? What is the size of your company?
- Early initiation of preparations and allocation of sufficient resources
- Are you starting from scratch or able to leverage existing data privacy and governance initiatives? Do you need to invest in new systems?

High Risks and Mitigation Burden



Next steps

“A journey of a thousand miles begins with a single step”

-Lao Tzu



Questions?



Thank You!

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