Data Privacy with 2020 Vision

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Privacy and Compliance Manager
Holland & Knight

Speaker Biography – Diane Del Re, CCEP

Experience over the last decade:

• Global Compliance and Records Program Manager; Fortune 150 Diversified Manufacturing Company
• Records and Information Manager; Fortune 85 Technology Company
• Senior Manager, Cybersecurity (Information Governance, Assurance and Compliance); Fortune 125 Pharmaceutical Manufacturing Company
• Privacy and Compliance Manager; Holland & Knight, LLP
  • Implementing a ‘Best-In-Class’ Global Privacy Program
  • Client-driven and Regulatory Compliance
  • Data Privacy and Protection
    • Data Loss Prevention, Incident Response, HIPAA Compliance
    • Client and Third Party Risk Assessments
    • Privacy Impact Assessments
Topics and Agenda

• How to keep up with an evolving privacy landscape
  • Keeping up with trends and establishing your baseline
  • Understanding your obligations related to data privacy, data protection and incident response

• Are you working closely with IT? If not, you should be!
  • Your Privacy Program needs Cybersecurity
  • Using tools and automation to ethically engineer your infrastructure
  • How technology can monitor and enforce compliance

• Where’s the data?
  • Data identification, asset mapping and governance
  • How to create and update an effective asset inventory

• Q&A Session

The Evolving Privacy Landscape

• EU Privacy Law
  • General Data Protection Regulation (GDPR)
  • Data Privacy Act 2018 (Brexit, UK)

• North America Data Privacy Law
  • US Law (CCPA)
  • PIPEDA (Canada)

• South America Data Privacy Law

• Asia-Pacific Privacy Law

• Will there be a federal US Privacy Law?
The Evolving Privacy Landscape

- Tracking Privacy Laws
  - Heat Map

- Establishing your baseline
  - What is most important to your program and organization?
    - Intended use?
    - Consent?
    - Minimal data processing necessary?
    - Limited access to data?
    - Opt-in/Opt-out?
    - Responding to data requests?

- Is there a one size fits all?
  - Using a one size fits most approach
    - Managing exception and cross border data transfers

- Creating a comprehensive Privacy Policy
- Transparency in processing
- CCPA and GDPR – Handling data requests
- Incident Response and Data Breach Notifications
- Diversity and inclusion data usage
- What is your organization really doing with data?
  - Fostering innovation and avoiding becoming the No Police
Are you working closely with IT?

• Establish a working relationship with Cybersecurity, IT and IT Risk
• Working with IT
  • Do you use data classification?
    • Building a Classification Policy
    • Using tools and AI for data classification
  • Do you have a DLP tool?
    • Building a framework for classification, monitoring and enforcement
  • Do you use Shadow IT for custom applications or cloud-based solutions?
• CMDB and why configuration management can help you
  • Using a CMDB to identify compliance impact of data, retention, classification and more
• Privacy By Design

Where’s the Data?

• How do you start data mapping?
  • What are the goals?
• Understanding a network flow diagram and data flow diagram
• Identifying where the Big 3 reside:
  • Where is your personal information?
  • Where is your restricted information?
  • Where is your protected health information?
  • Who has access?
    • How is it protected? (Export, share, print, email, external?)

• Using tools, databases, software or a spreadsheet – Starting somewhere
Building an Asset Inventory

• Information is a valuable asset
  • Think of a budgeting tool or a personal asset inventory for an insurance policy

• Using a spreadsheet

<table>
<thead>
<tr>
<th>System or Application Name</th>
<th>Department or Functional Area</th>
<th>Data Elements</th>
<th>Personal data?</th>
<th>Sensitive or Restricted Information?</th>
<th>Protected Health Information?</th>
<th>Purpose for Processing Data</th>
<th>Data Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Payroll System</td>
<td>Payroll, HR</td>
<td>Employee Information, Restricted Financial Information</td>
<td>Name, address, phone number, email, employee ID</td>
<td>Yes (Social Security Number, Bank Account Information)</td>
<td>No</td>
<td>To process payroll</td>
<td>Employees</td>
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