



IGDS – GDPR

ARMA Chicago Spring Seminar

Common Challenges

Privacy and Retention share many of the same challenges. We believe these two policies are intimately connected.

- Rising Volume of Information to Manage
- Increasing Complexity
- Protecting Privacy & Security
- Changing Rules & Regulations
- Cost and Impact of Failure (breaches, lapses, etc.)

Summary of GDPR



GDPR Myths - Scope



GDPR only applies to EU Citizens and organizations based in the EU.

- The GDPR applies to anyone transacting business in the EEA (citizens or non-citizen visitors)
- Companies targeting subjects in the EEA regardless where they are based will likely also have obligations.
- Data Controllers outside the EEA may not have direct obligations, however, if they have outsourced functions with Data Processors in the EEA they may need to consider the implications (Security and Transfer).

GDPR Myths – Absolute Rights



Individuals have an absolute right to be forgotten

- The GDPR refers to the ‘right to be forgotten’ as the ‘right of erasure’ (Art. 17). However, unlike the right to opt-out of direct marketing, it’s not an absolute right.
- Organizations may continue to process data if the data remains necessary for the purposes for which it was originally collected, and the organization still has a legal ground for processing the data under Art. 6 (and, if sensitive data is concerned, Art. 9 too).

GDPR Myths - Portability



Every business will be subject to new data portability rules

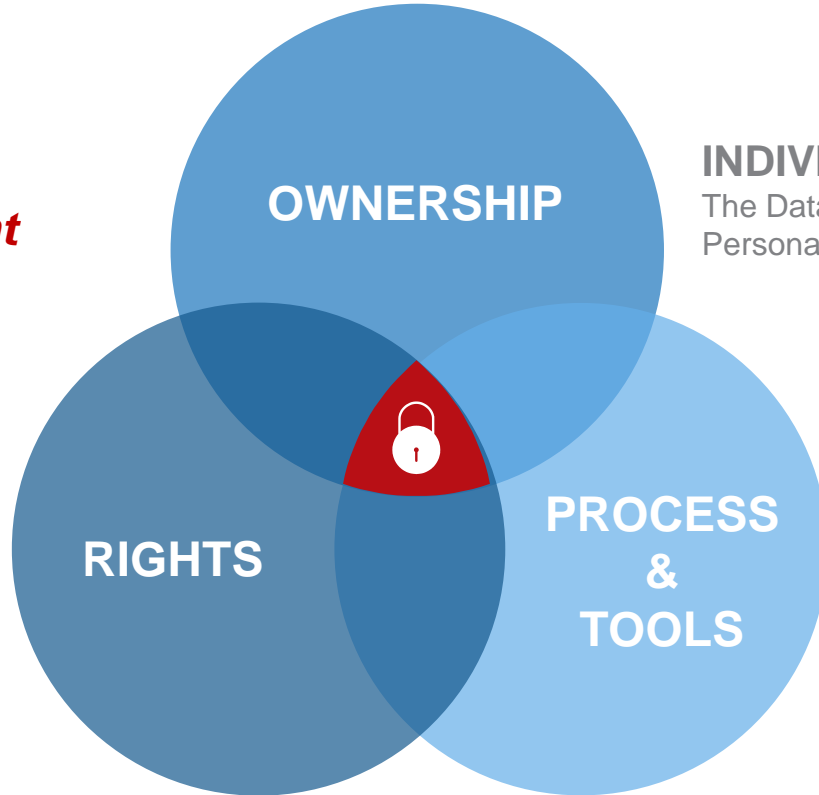
- Data portability requirements are mandated only when processing is based on consent or contractual necessity (Art 20(1)).
- It does not apply when, for example, processing is based on legitimate interests. This is an important strategic point for businesses to consider when deciding upon the lawful grounds on which they will process personal data.

GDPR – Key Principles

***Privacy is a
Constitutional Right***

DATA SUBJECT RIGHTS

- Be informed & object
- Access personal data
- Update personal data
- Delete personal data
- Transportability (readable format)



INDIVIDUAL

The Data Subject owns his/her Personal Data

PROTECT PRIVACY

Organizations must implement processes and tools to protect data subjects' right to privacy

- **Understand the law**
- Know who processes, where whose personal data. **Data inventory, data maps**
- Information security

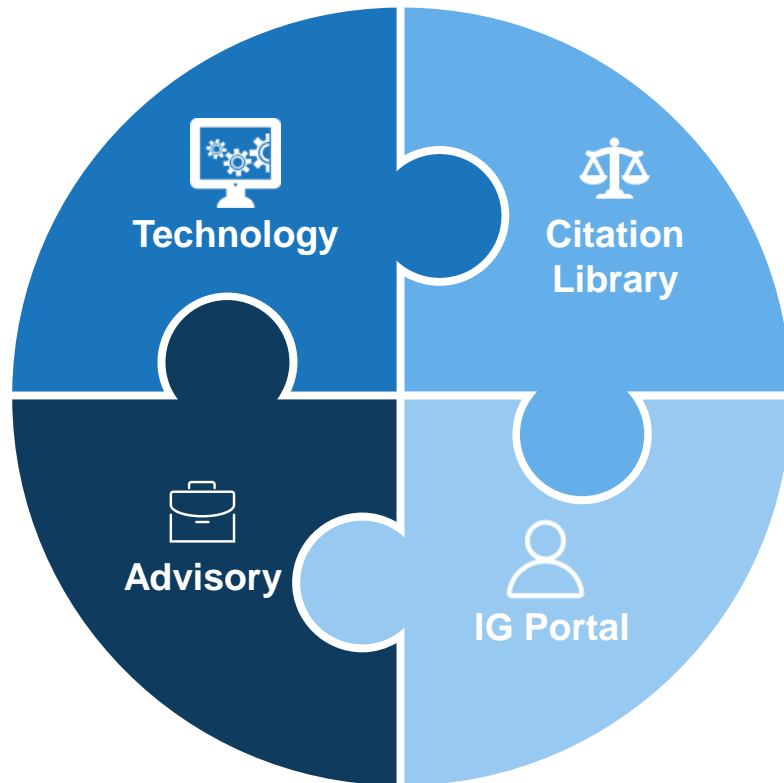
What is Policy Center?

Technology

Policy Center is a flexible, - secure, cloud based platform that allows our customers to publish their Privacy and Retention Policy

Advisory

Our Advisory Practice supports and guides our clients on a wide array of Retention and Information Governance subjects.



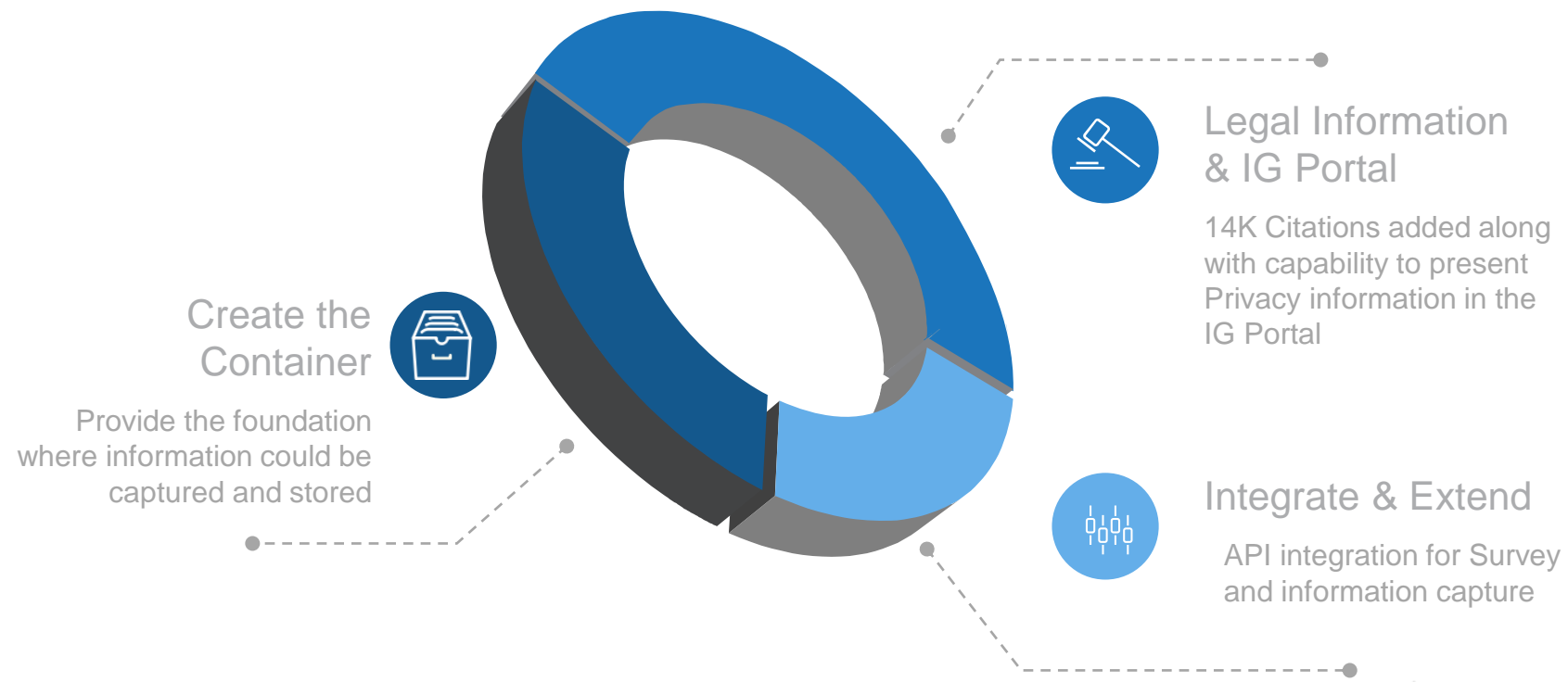
Legal Library

We curate and maintain an extensive library of legal information for both Privacy and Retention which is used to fully support policy decision.

IG Portal

The IG Portal is a powerful and easy to use method used by our clients to ensure their employees have access to critical policy information.

Approach to the Privacy Module



Personas



- What risks does the organization have related to Privacy?
- Why do we collect personal information and how is it used?
- Do our employees and partners understand how private information can/cannot be handled and when it can be disposed of?
- How do I respond to regulators and others and prove compliance?

Brianne
Data Privacy Professional



- How will the new privacy laws affect my Retention Schedule?
- Can I continue to defensibly dispose of information?
- What record classes or types require special consideration or attention?
- How do I ensure records are managed according to both the retention policy but also the new privacy laws?

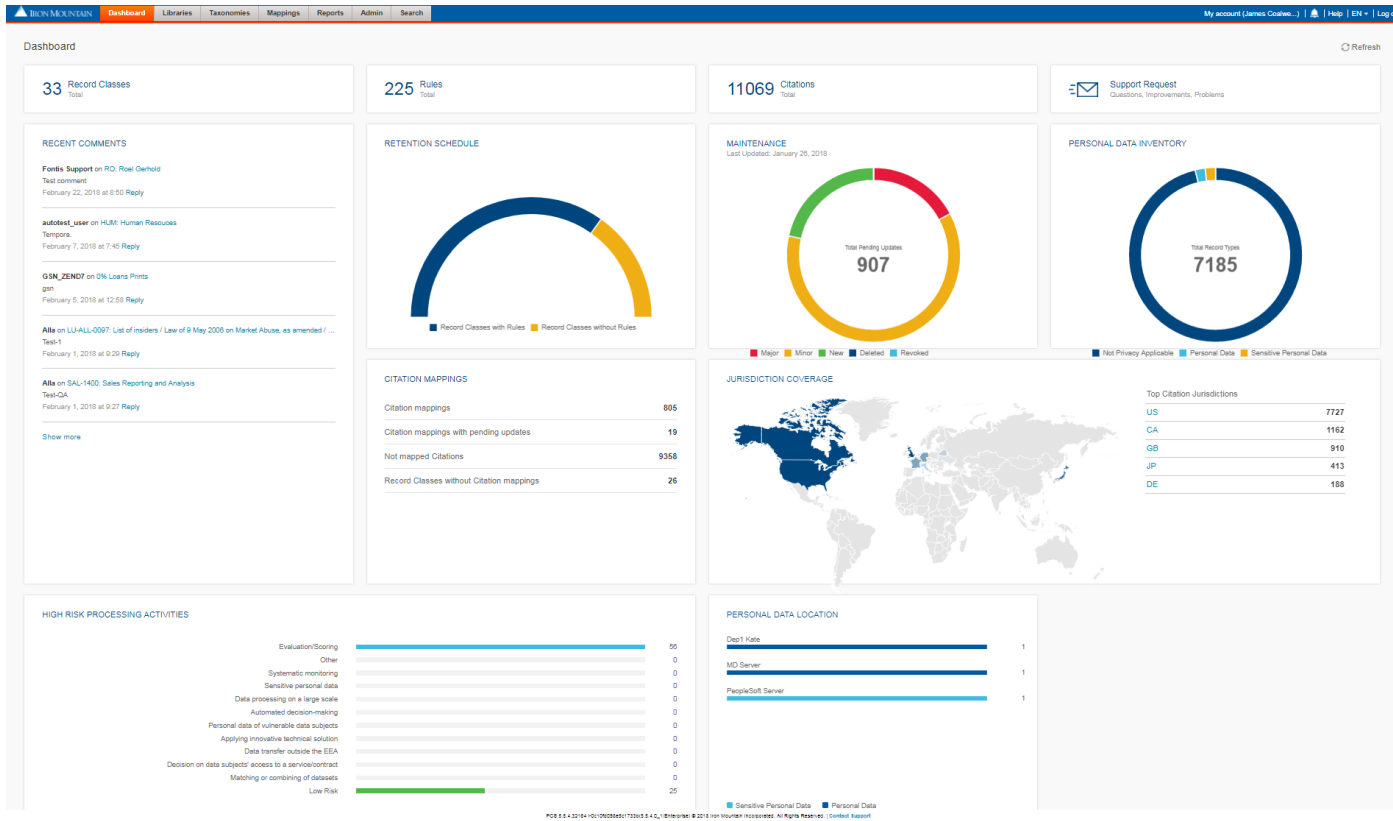
Henry
Records Manager



- When can I destroy the records I manage?
- Are there any rules or restrictions about how I manage privacy information from employee's and customers?
- A customer asked me to "forget them" as they are a EU citizen – what do I do?

Betty
End User


Dashboard (w/ Privacy)




Brianne
Data Privacy Professional



Henry
Records Manager

 **Retention Schedule** **Processing Activities** Alexander Voskoboy...
Search Processing Acti

Processing Activity Group > Human Resources > Benefits

006 Employee payment processing	006 - Employee payment processing
007 Annual appraisal	Processing Activity Retention Obligations
008 Professional Training for non-US employees <small>Processing Activity related to licensing and registration for persons engaging directly or directly on behalf of the bank, as an agent, broker, investment advisor, or ...</small>	Processing Activity Details
009 Obtaining work permit for the non-US employee	Identification
010 Employee Termination <small>Processing Activity related to licensing and registration for persons engaging directly or directly on behalf of the bank, as an agent, broker, investment advisor, or ...</small>	Code 006 Name Employee payment proce Parent - Jurisdiction  EU: European Union
012 Obtaining healthcare coverage for EU employee <small>Processing Activity related to licensing and registration for persons engaging directly or directly on behalf of the bank, as an agent, broker, investment advisor, or ...</small>	Retention Information
	Related Privacy Obligations
	Related Data Flow Maps



Betty
End User

QUOTE



"Expanding volumes and sources of information and an ever-changing business and regulatory landscape are driving new complexities around information governance," said Holly Muscolino, IDC research vice president, Content Technologies and Document Workflow. **"Access to current and combined retention and privacy policies**, supported by effective technology, will help reduce this complexity and enable organizations to **better meet regulatory and compliance requirements including privacy regulations**. This is essential for content-centric workflows in the future workplace."

Next Steps – Our Unique Value

1. Create a Processing Activity Register

Data Flow Maps documenting when Privacy information is collected and how it moves through the organization are critical. Art. 30

2. Link Privacy to Retention

Remember, Not all Rights are Absolute. If the organization has a legitimate reason to maintain information they can easily respond to “Subject Access Requests (SAR’s).

3. Head to the “Middle of the Pack”

The next couple of years will see many challenges and changes to the law. At this point it’s likely safest to be in the middle of the pack. .



