5 STEPS TOWARDS GDPR COMPLIANCY IN PRACTICE

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Speaker Background

- Pekka Vepsäläinen – Tikkasec Ltd
- Information Security part of my job since 2001 (Nokia smartphone projects)
- Privacy became a matter of interest when working as Global Head of Competence Development at Teleca (2010-2012)
- Cyber Security studies at Jyväskylä University (2012-2014)
- Cyber Security Development Manager at Jykes Ltd (2012-2017)
- Entrepreneur since 2017 – Cyber Security and GDPR consulting & coaching

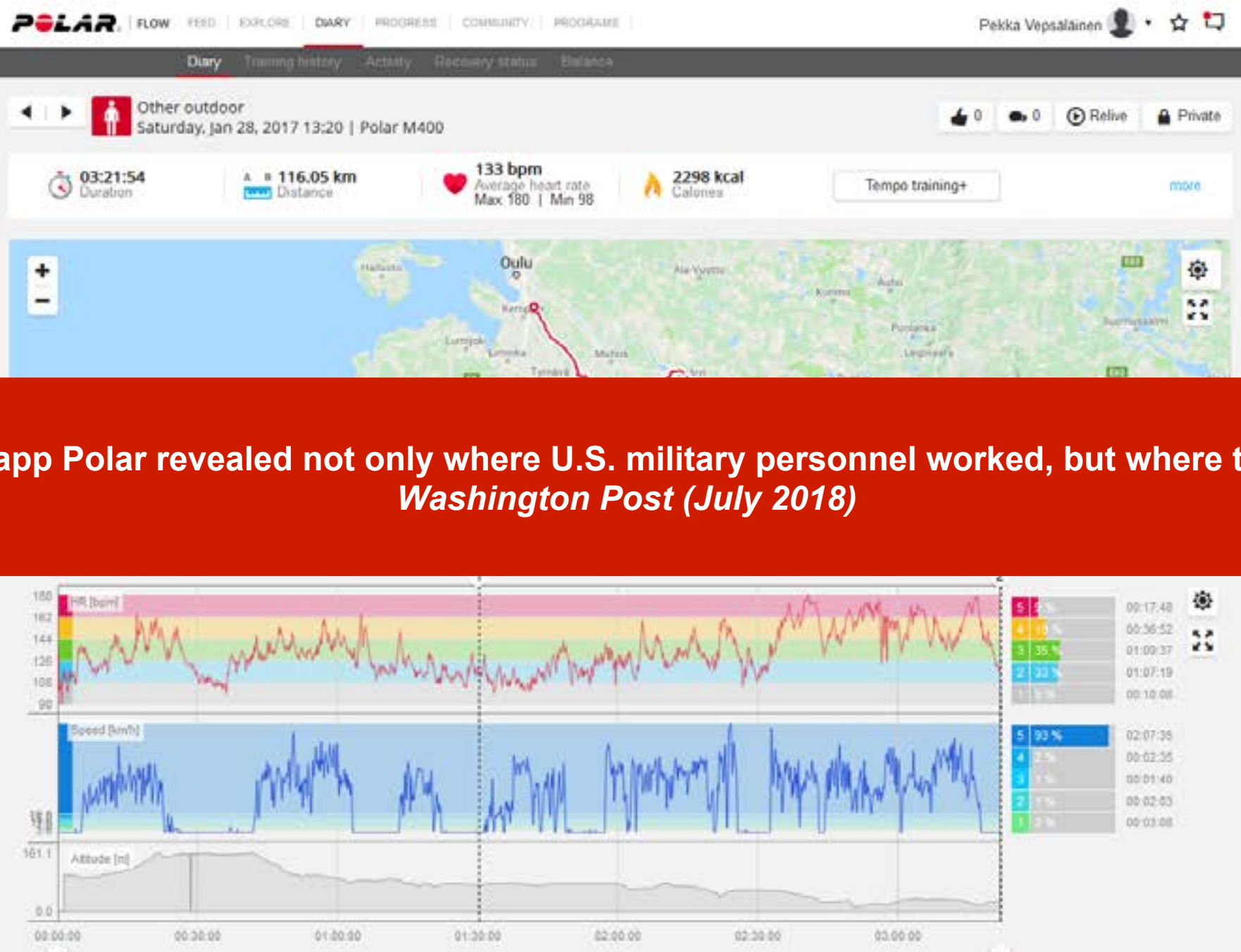
Contents

Some background & basics about GDPR

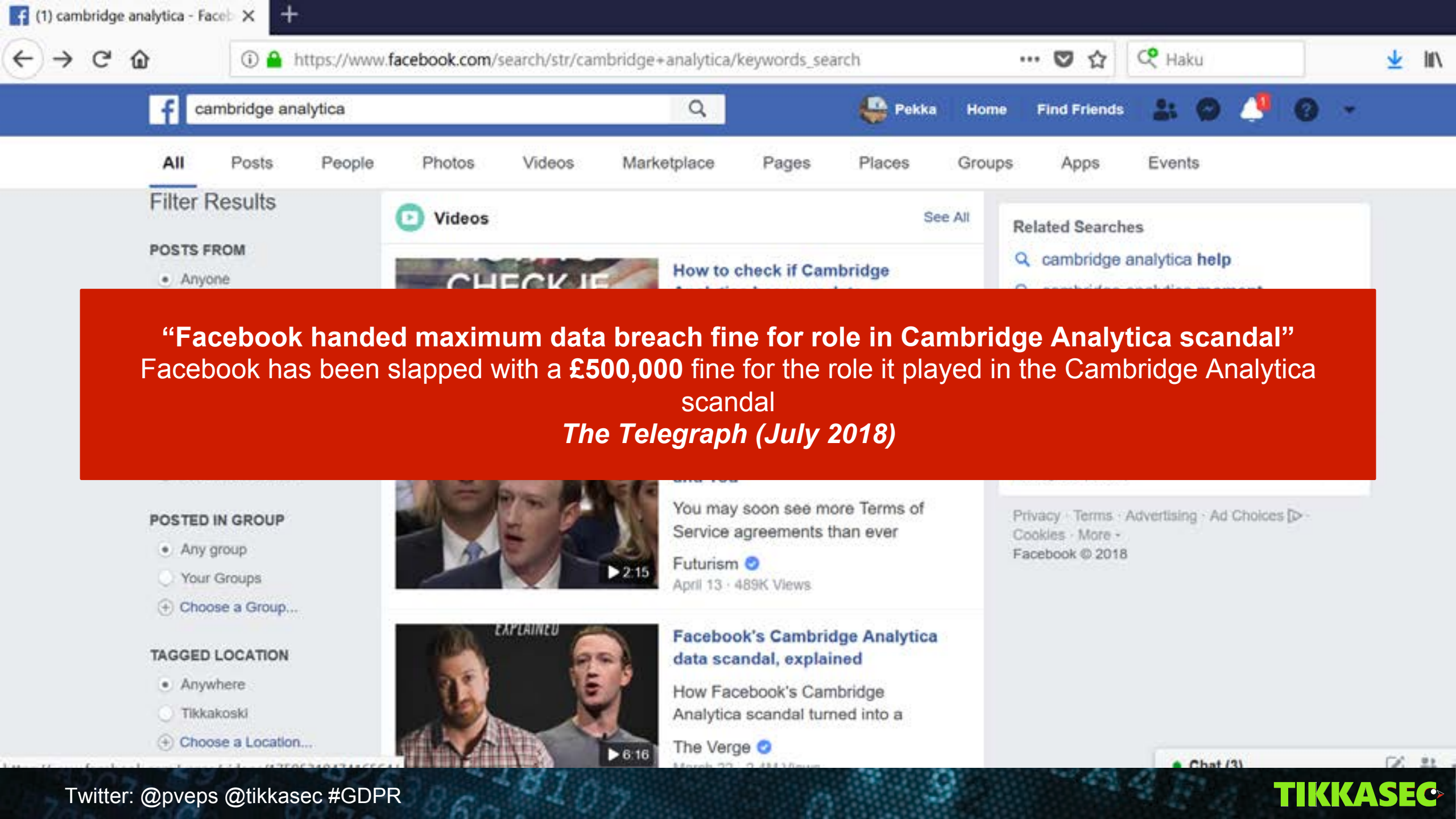
5 Steps Towards GDPR Compliancy in Practice

1. Board room awareness & privacy task force
2. Data inventory – where is all the personal data?
3. Risk assessment – what are the TOP risks to manage?
4. Executing GDPR action plan – from data security to data requests
5. Preparing required documents & contracts


CHALLENGE



“Fitness app Polar revealed not only where U.S. military personnel worked, but where they lived”
Washington Post (July 2018)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How to check if Cambridge
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“Facebook handed maximum data breach fine for role in Cambridge Analytica scandal”
Facebook has been slapped with a £500,000 fine for the role it played in the Cambridge Analytica scandal
The Telegraph (July 2018)
POSTED IN GROUP
Any group
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Futurism
April 13 · 489K Views
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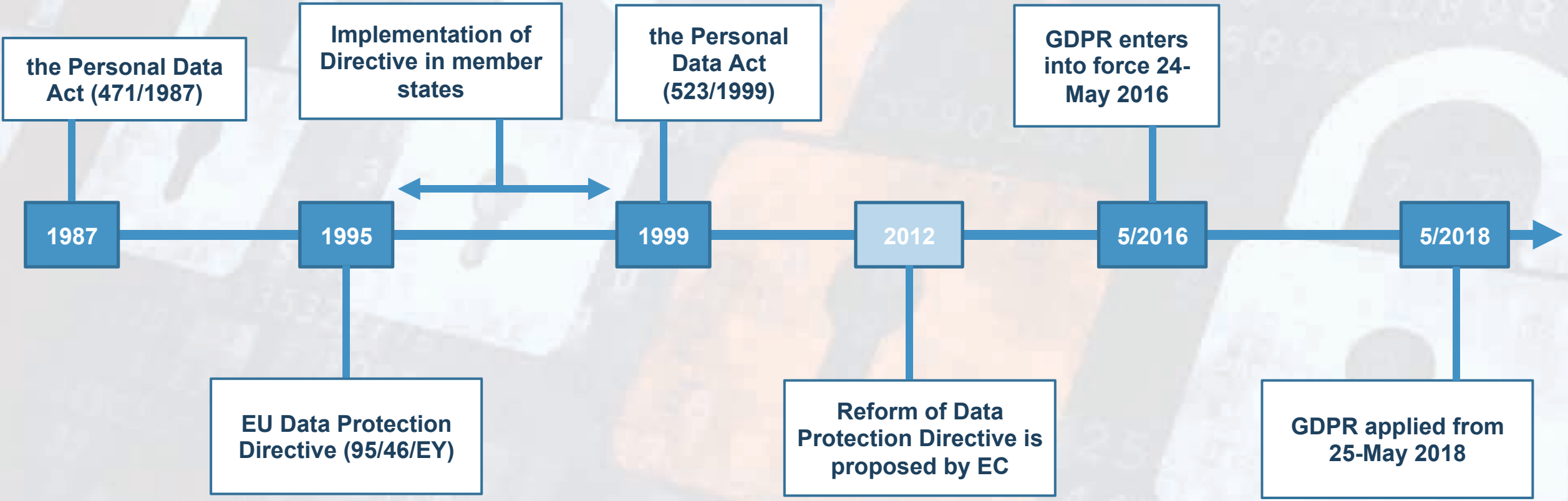
EXPLAINED
Facebook's Cambridge Analytica data scandal, explained
How Facebook's Cambridge Analytica scandal turned into a
The Verge
6:16
Chat (3)

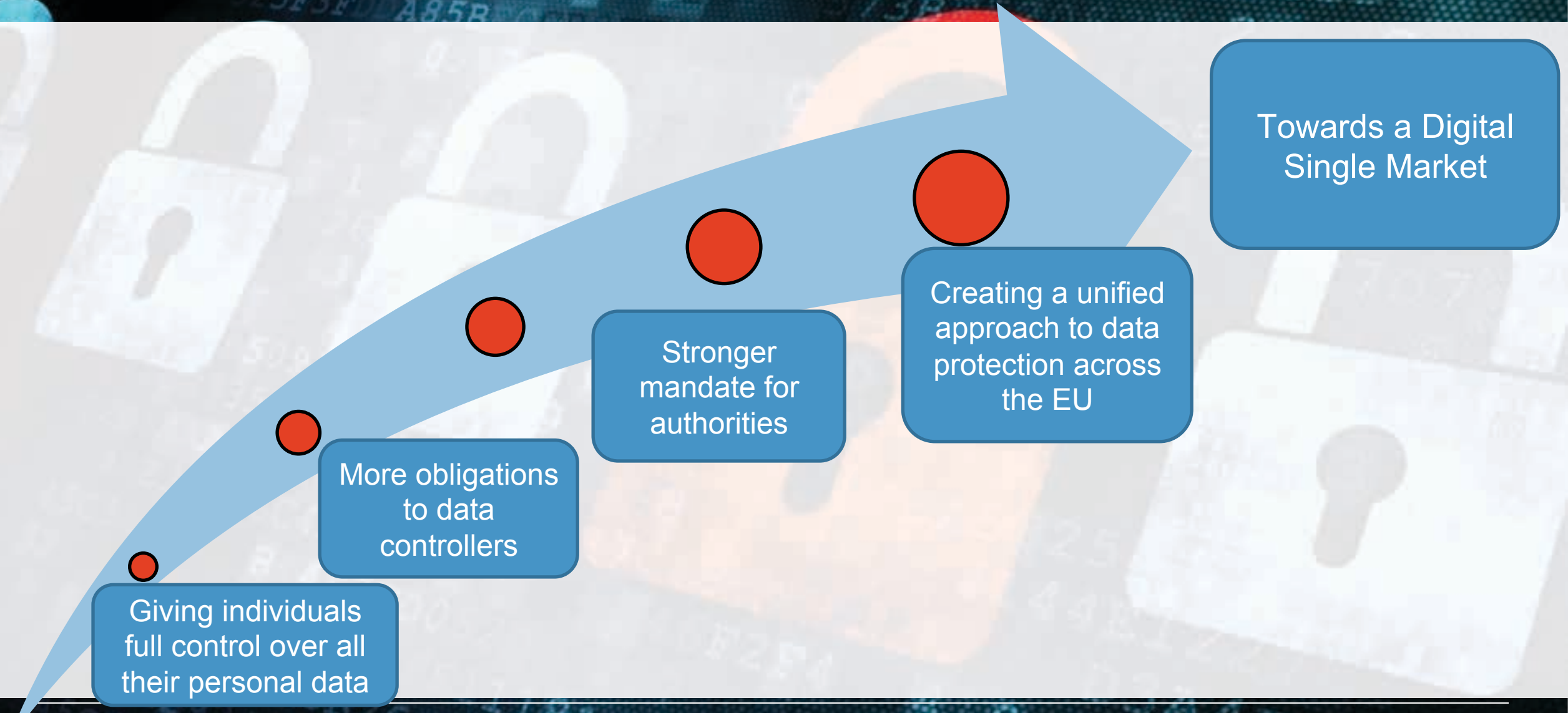
“Google to shut down Google+ after failing to disclose user data breach”
The Guardian (October 2018)

“U.S., European regulators investigating Google glitch”
Reuters (October 2018)

History of privacy regulation in Finland / EU



GDPR Objectives

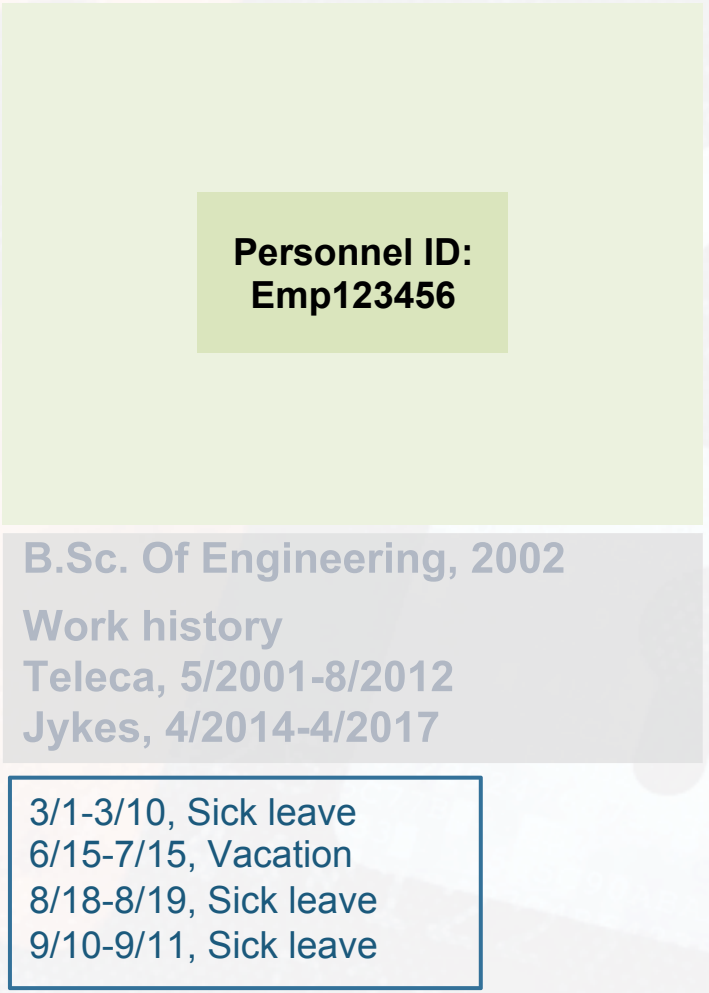


SOME KEY FACTS ABOUT GDPR

GDPR widens the definition of Personal Information

PII (USA) vs. Personal Data (EU)??

- **NIST**: PII is distinguishing individual identity
- **European Commission:** Personal data is "**any information that relates** to an identified or identifiable living individual"
- So in this case Personal Data = PII + any other information related to such a person



Data Controller vs. Data Processor

- Data Controller - determines the **purposes and means** of the processing of personal data
- Data Processor - processes personal data on behalf of the controller

Clarify your role – sometimes it's data controller, sometimes data processor even within the same application!

- E.g. Facebook is a data controller for private users but in some cases data processor for your company's followers' data

Basic **principles for the processing of personal data**

1. Personal data shall be:
   a) Processed **lawfully**, **fairly** and in a **transparent manner**
   b) Collected for **specified**, **explicit** and **legitimate purposes**
   c) Adequate, **relevant** and **limited** to what is necessary
   d) Accurate and, where necessary, **up to date**
   e) Identification of data subjects for **no longer than is necessary**
   f) Processed in a manner that **ensures appropriate security** of the personal data
2. The controller shall be responsible for, and be **able to demonstrate** compliance with, paragraph 1 -> ”**accountability**”

(GDPR Article 5)

Lawfulness of data processing

1. Data subject has **given consent** to the processing
2. For the **performance of a contract**
3. For **compliance with a legal obligations**
4. To **protect the vital interests** of the data
5. Carried out in the **public interest** or in the exercise of **official authority**
6. For the purposes of the **legitimate interests** pursued by the controller or third party

Some key rights of the data subjects

- **Transparency** of data processing – privacy notices
- **Information** and **access to personal data**
- Right to erasure – **'right to be forgotten**'
- Right to **object marketing** and **profiling**

Data breach notifications

- Data breach notification window is only **72 hours**
  - Clock starts ticking when the data breach has been detected
- You have to be able to detect & then react real fast
- It’s not only about Cyber Attacks – human errors & bugs are counted too!

Do you have your processes in place and have you practiced them?

Some myths about GDPR

- Consent is always needed from data subjects – not true
- Data is always needed to delete after request from data subject – not true
- Right to data portability is always applied – not true

1. BOARD ROOM AWARENESS & PRIVACY TASK FORCE

Some challenges & risks

- Huge fines if things go wrong
  - “Under Germany’s old data protection law, Google would be fined a maximum of 300,000 Euros. However, GDPR would fine a company up to **4 percent of its annual global turnover**. ” – *interestinengineering.com (October 2018)*
- But it’s not only about the fines – **your company’s reputation is at stake**
- Are there some other risks?
  - Blackmailing by Cyber Attackers: ”Pay me or I’ll report to authorities”
  - “Be Prepared – The German DPAs will start random GDPR audits” – *globalcompliancenews.com (October 2018)*

Commitment of Board Room

- Any company that works with information relating to EU citizens will have to comply with the requirements of the GDPR
  - If GDPR is not yet on your board room's agenda, do it now
- But this can be a competitive advantage too!
- What is your **strategy towards GDPR?**
  - Some U.S. Companies have selected NOT to offer services to EU citizens anymore
  - OR you may take it seriously and grow your business within the EU

Set up Privacy Task Force

- It's not just an IT issue, it's **a cultural change**
  - Get your personnel committed to the change – include them in the project

- Set up a **privacy task force:**

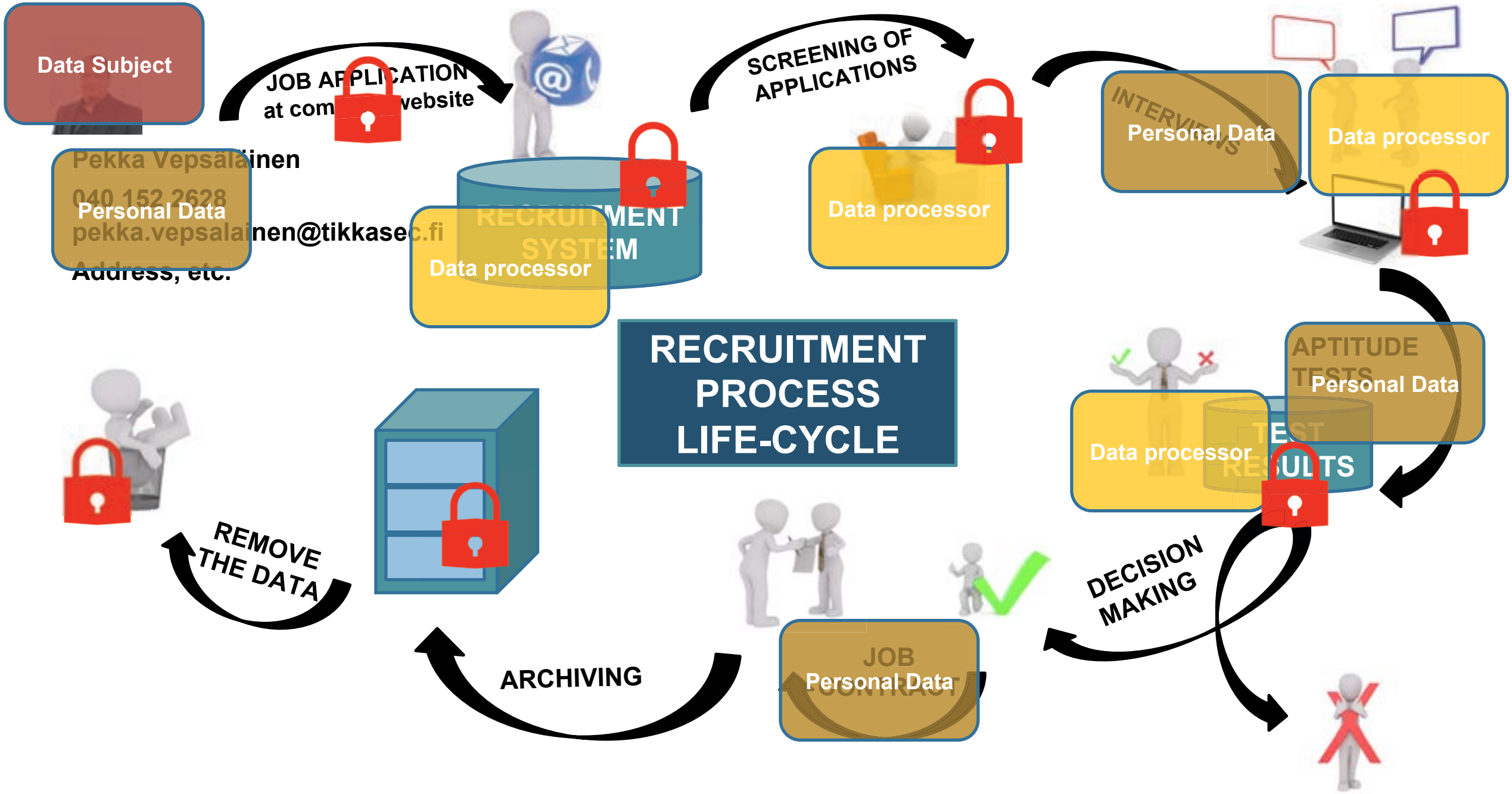
1. DPO to lead the task force
2. Include relevant business directors – they define the purposes of data processing!
3. Include people at the grassroots level – they know how the data is processed in practice!
4. Include your contract lawyers – you need to work on the contracts too

2. DATA INVENTORY – WHERE IS ALL THE PERSONAL DATA?

Data inventory

- What and how personal data is processed? In which filing/information systems?
- Who has access to the data in different phases of **personal data life cycle** – from data capture to archiving and removal? How long do you store the data?
- Roles of internal and external parties: data controller vs. data processor + subcontractors
- Identify special categories of personal data processed
- How are data subjects' rights and other GDPR requirements implemented in different data processing activities?

RECRUITMENT PROCESS LIFE-CYCLE



3. RISK ASSESSMENT – WHAT ARE THE TOP RISKS TO MANAGE?

GDPR Risk Assessment

- DPIA (Data Protection Impact Analysis)
  - Must be done for high risk data processing activities
- Risk assessment workshop
  - To identify pitfalls of data processing, especially when processing special categories of personal data or larger amounts of data
  - Internal and external threats, both technical and organizational
  - Information systems, data processors, subcontractors
- Depending on what kind of personal data is processed, you need to take different actions
  - Example: B2B contact information vs. employee health information

Data Protection is a Risk Management activity

- Data protection should be implemented based on identified risks!
  - Put effort & money where it's really needed
  - GDPR also recognizes the costs of implementation + you can't have 100% security

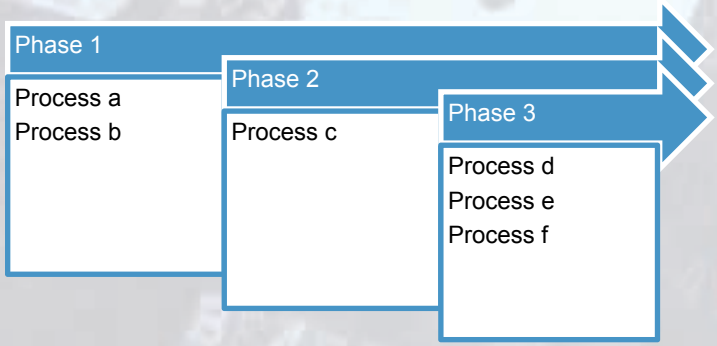
RISK ASSESSMENT

- **Identify the risks** that may have impact to personal data protection
- **Analyze the risks:** determine the likelihood and consequence of each risk
- **Evaluate or rank the risks:** Risk magnitude is combination of likelihood and consequence. Make decisions about whether the risk is acceptable or whether it needs treatment activities.
- **Treat the risks.** Create a plan to treat or modify these risks to achieve acceptable risk levels.
- **Monitor, track and review the risks on regular basis.**

4. EXECUTING GDPR ACTION PLAN – FROM DATA SECURITY TO DATA REQUESTS

Cyber Security for Personal Data

- Cyber Security development based on Risk mitigation plans
- Cyber Security is implemented in
  - IT systems
  - Processes
  - Communication



Prepare for Requests from Data Subjects

- Data subjects have many rights for their personal data – and they may use these rights
- You need to have processes & tools in place to respond to these requests
- Identifying the data subject
  - When is it enough to rely on just an email address, and when should you use stronger authentication methods?

Training of your organization

- Prepare your organization for GDPR – educate your people
- Everyone needs to understand their own role in your privacy framework
- Your organization is as strong as its weakest link

5. PREPARING REQUIRED DOCUMENTS & CONTRACTS

Some mandatory documentation

- Informing the data subjects –> **Privacy notices**
- Risk assessments – **Risk mitigation plans**
- Records of requests from data subjects
- Records of processing activities – article 30
- Documented instructions for data processors

- Other documentation as part of Accountability
  - E.g. Process descriptions of data processing in different functions

Contracts

- **DPAs (Data Processing Agreements)** must be in place in the whole supply chain of data processing
  - Data Controller vs. Data Processor – clarify the roles!
  - NDAs with data processors
  - Documented instructions
  - Other terms based on article 28 – Processor, and article 32 – Security of processing

- **The whole supply chain must be covered**
  - You are responsible of your subcontractors too!
  - This includes cloud & information system vendors with access to the personal data

SUMMARY

Practical Changes in Everyday Life

- Rights of Data Subjects
- Risk assessment as an ongoing process
- Data Breach notifications
- Lots of documentation, legal work, contracts, …
- Continuous development
- It's not only about IT – it's about people
- **Accountability of GDPR compliancy**

- You shouldn't worry about huge fines, but **focus on customer trust** instead
  - What's the impact to your company's **reputation**?

Q & A

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