GDPR readiness
20 steps to achieving compliance

Presented by:

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BSI Cybersecurity and Information Resilience

Through the passion and expertise of our people, BSI embeds excellence in organizations across the globe to improve business performance and resilience.

Cybersecurity and Information Resilience – what we do

We enable organizations to secure information from cyber-threats, strengthening their information governance and in turn assuring resilience, mitigating risk whilst safeguarding them against vulnerabilities in their critical infrastructure.

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What do we do?

Cybersecurity

Penetration testing, vulnerability management, incident response and cloud security services.

Security awareness

Phishing and user awareness training, SaaS solutions, social engineering and simulation testing

Data management and privacy

GDPR services, information lifecycle management and eDiscovery and forensics

Compliance and testing

PCI DSS services, cyber lab testing and product and software assessments (CC, CAS-T/CPA)

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Path to GDPR – Cybersecurity and Information Resilience Services

July	August	September	October	November	December
1 Webinar Pen testing	**2 Webinar** End User security awareness	**3 Webinar** eDiscovery & Forensics – Incident response	**4 Seminar** Information Resilience	**5 Webinar** GDPR Achieving Compliance Journey	**6 Webinar** The role of the Data Protection Officer

Webinar Series:

1. **Penetration Testing (Jul17) –** ensuring an organization's customer and prospect data is secure
2. **End User Security Awareness (Aug17)** – Untrained employees - the weakest link in your cybersecurity defence
3. **Incident Response (Sept17) –** You have 72 hours to respond after a breach... was personal data compromised?
4. **Information Resilience Series Event (Oct17)** – Manchester 17th October 2017
5. **GDPR Achieving Compliance Journey (Nov17)** – a step-by-step methodology for achieving compliance
6. **GDPR – the role of the Data Protection Officer (Dec17)** – Is your organization's DPO ready?

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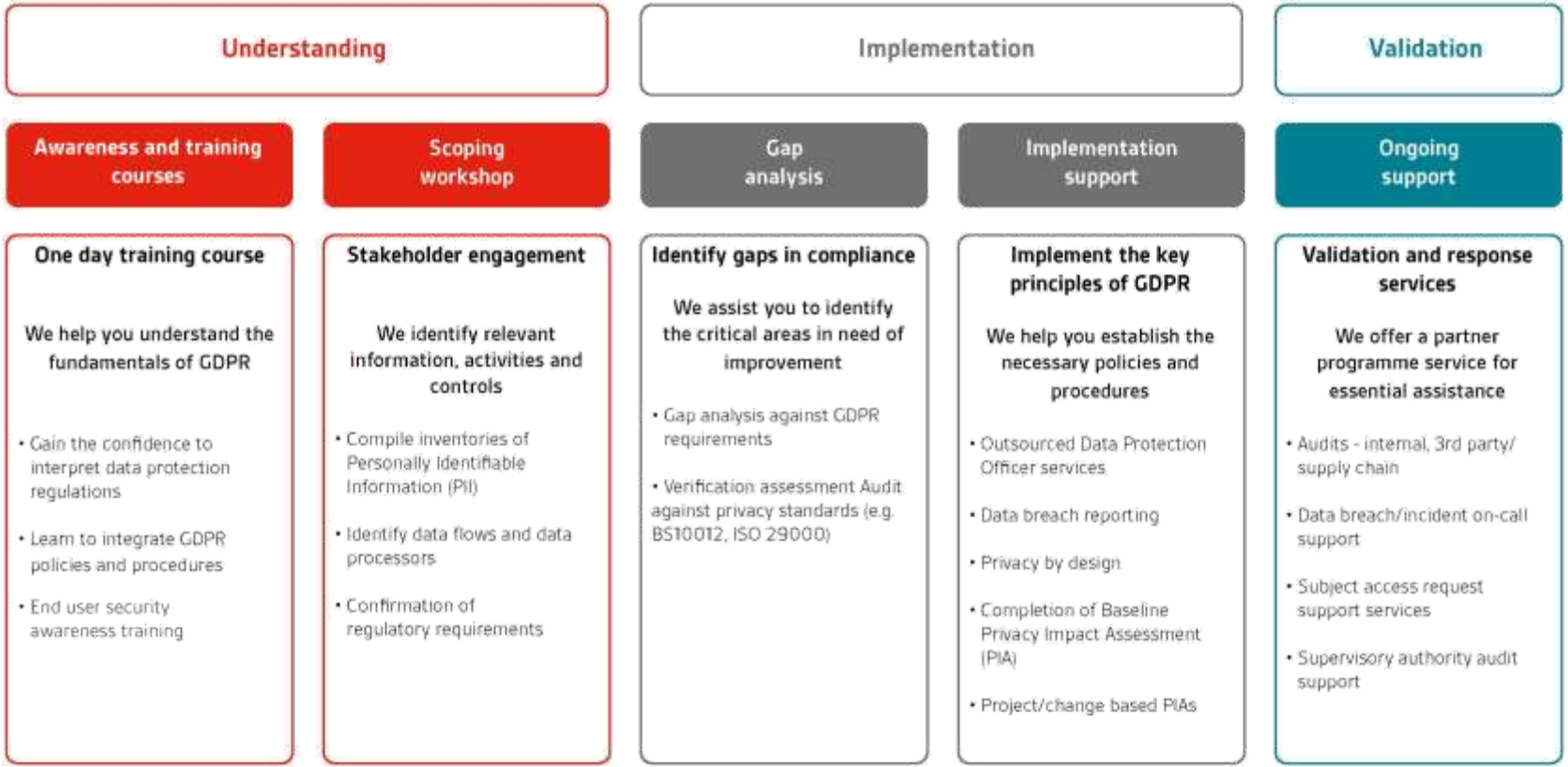
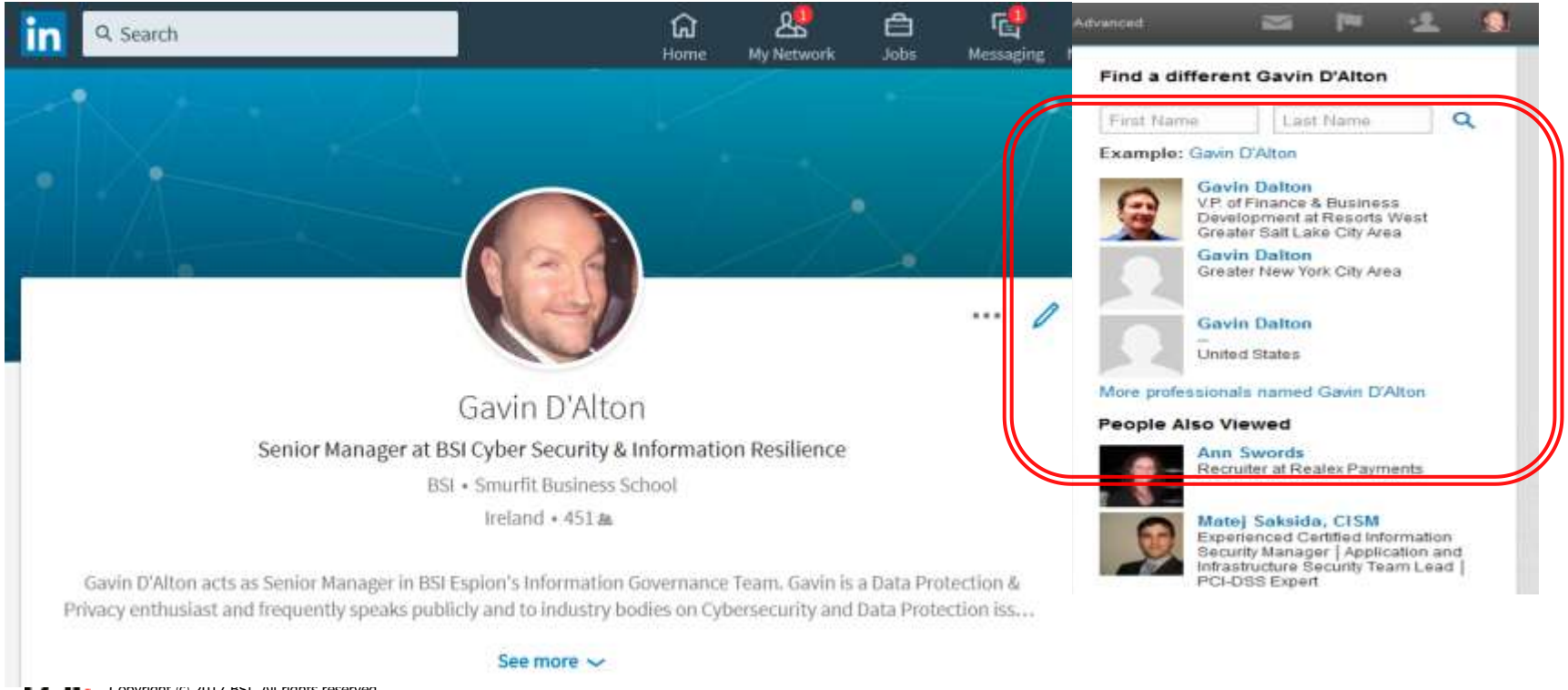


The journey to GDPR compliance

Me!

*ie.linkedin.com/pub/dir/**Gavin/D'Alton***



Lots of Noise…

Rules to Principals

1. Obtain and process the information fairly
2. Keep it only for one or more specified and lawful purposes
3. Process it only in ways compatible with the purposes for which it was given to you initially
4. Keep it safe and secure
5. Keep it accurate and up-to-date
6. Ensure that it is adequate, relevant and not excessive
7. Retain it no longer than is necessary for the specified purpose or purposes
8. Give a copy of his/her personal data to any individual, on request

1. Lawfulness, fairness and transparency
2. Purpose limitations
3. Data minimisation
4. Accuracy
5. Storage limitations
6. Integrity and confidentiality

Rec.59; Art.12(2)

- Controllers have a **legal obligation to give effect to the rights of data subjects**.

General Definitions & Concepts

- **Data Subject**: User or Person
- **Data Controller**: Defines the data collected and reasons
- **Data Processor**: Processes data on behalf of the data controller
- **Supervisory Authority**: Data regulator

Timelines & Applicability for the GDPR

Timeline: Directive (EU) 2016/80 and Regulation (EU) 2016/679

- EU Data Protection Regulation **published** 2016
- The **Regulation** enters **into force** on 24 May 2016
- It shall **apply from** May 25th 2018
- Applicable to all industries, sectors, etc.

Is my Client Data considered “Personal Data”?

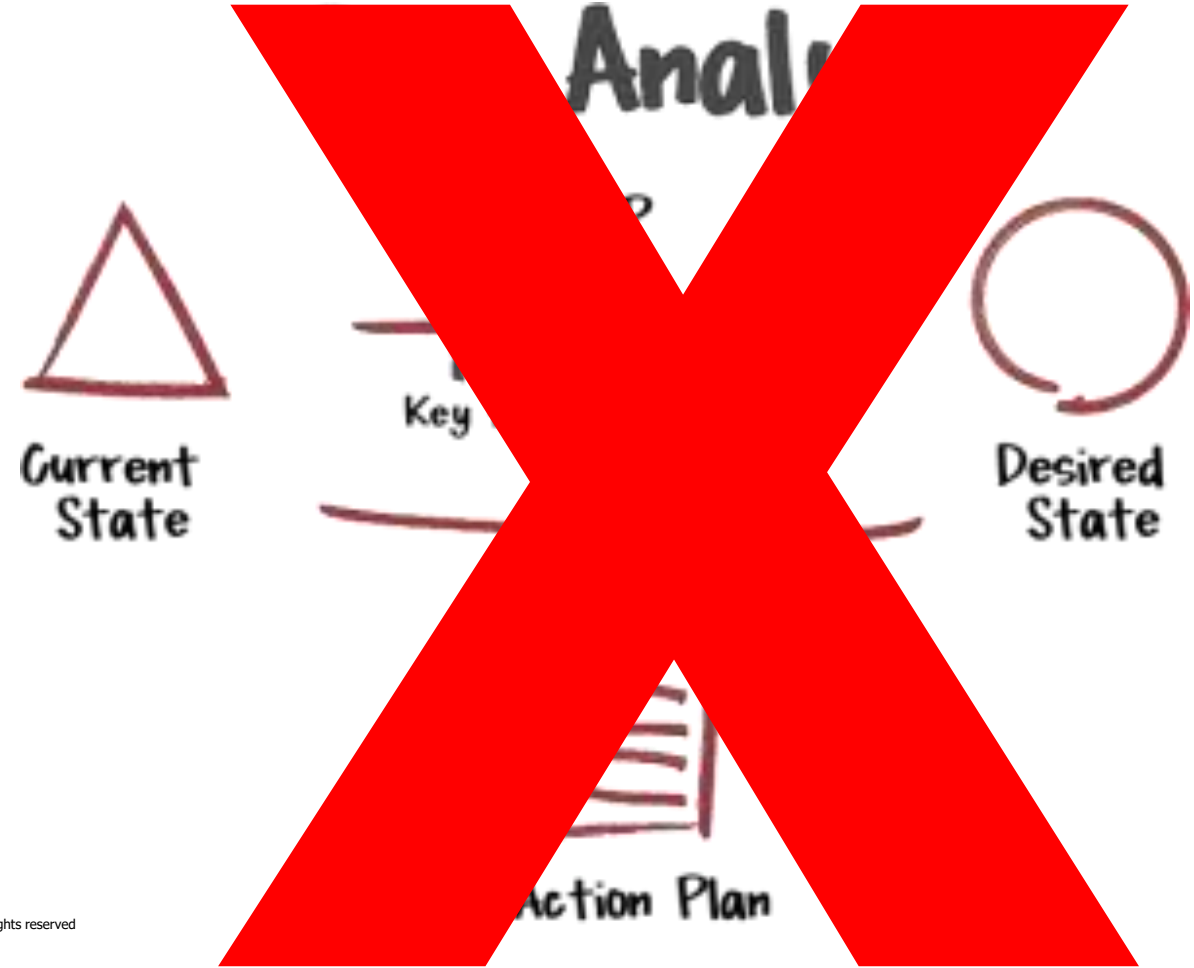
- Can a living individual be identified from the data,
- Does the data ‘relate to’ the identifiable living individual, whether in personal or family life, business or profession?
- Is the data ‘obviously about’ a particular individual?
- Is the data ‘linked to’ an individual so that it provides particular information about that individual?
- Is the data used, or is it to be used, to inform or influence actions or decisions affecting an identifiable individual?
- Does the data have any biographical significance in relation to the individual?
- Does the data focus or concentrate on the individual as its central theme rather than on some other person, or some object, transaction or event?
- Does the data impact or have the potential to impact on an individual, whether in a personal, family, business or professional capacity?

Why now?

- When the 1995 law came about, the internet was in its infancy (Our Digital DNA is now everywhere we go)
- And every country has interpreted things a bit differently…

20 Steps to GDPR Compliance

- What you need to do, in a prioritised manner…

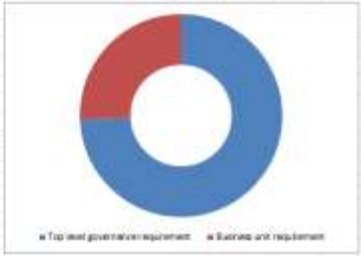


Process X

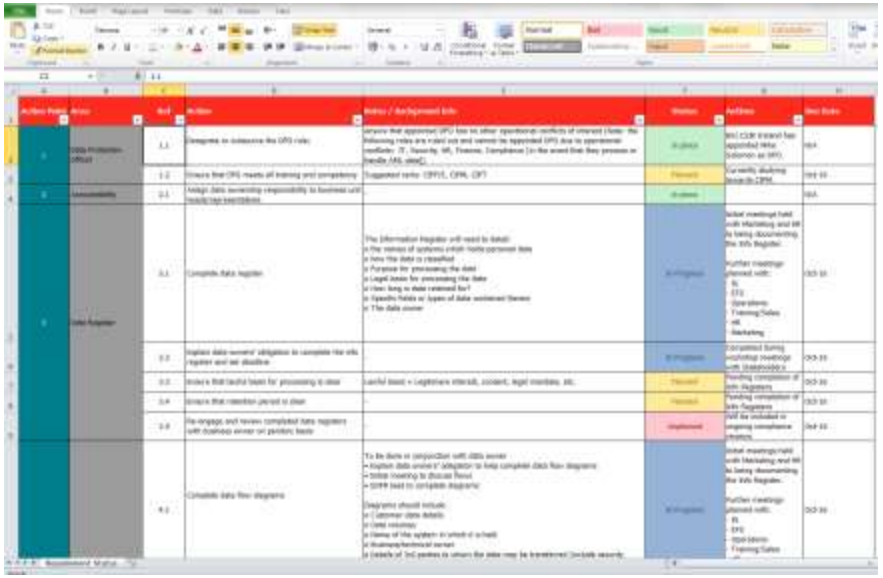
Area	Section	Compliant	Non-Compliant	Partial	N/A	Total	Applicable	% Compliance
1	Maintain an Information Governance Programme	14	0	0	0	14	14	100
2	Maintain a Personal Data Inventory	5	1	2	0	7	7	71
3	Maintain Data Privacy Policy	5	0	5	0	5	5	100
4	Embed Data Privacy into Operations	15	5	0	0	27	27	56
5	Maintain a Training and Awareness programme	1	9	0	0	13	13	8
6	Manage Information Security Risk	12	0	0	0	12	12	100
7	Manage Third-Party Risk	12	0	0	0	12	12	100
8	Maintain Privacy Notices	9	7	0	0	11	11	82
9	Respond to Requests and Complaints from Individuals	12	0	0	0	10	10	120
10	Monitor for New Operational Practices	12	0	0	0	7	7	171
11	Maintain Data Privacy Breach Management Program	7	0	1	0	8	8	88
12	Monitor Data Handling Practices	4	0	0	0	8	8	50
13	Track External Criteria	0	3	4	0	7	7	0

No. Questions	141

Requirement	Total
Top level governance requirement	107
Business unit requirement	37
Governance & Business Unit	8



Reference	Objective	Requirement Level	Related GDPR Articles	Data Protection Principle	Finding	Maturity Level Practice	Recommendation
13 Monitor Data Handling Practices							
13.1	Does the organization conduct regular self-assessments on privacy management?	Top level governance requirement	24 28			Yes	No Recommendation
13.2	Have internal audit assessments of the privacy program and privacy office been conducted?	Top level governance requirement				Partial	The organization should conduct internal audit assessments of the privacy program and privacy office.
13.3	Do individuals responsible for data protection and compliance conduct ad-hoc walk-throughs of office spaces and data storage facilities to evaluate practices adherence to data protection policies and procedures?	Top level governance requirement				Yes	No Recommendation
13.4	Are ad hoc assessments of privacy management practices and procedures conducted in light of external events and data breaches?	Top level governance requirement				Partial	Ad hoc assessments of privacy management practices and procedures should be conducted in light of external events and data breaches.
13.5	Has the organization engaged with a 3rd party to conduct audits/assessments of data protection management and procedures?	Top level governance requirement				Yes	No Recommendation
13.6	Are privacy management metrics monitored and reported to the executive board?	Top level governance requirement				Partial	The organization should monitor and report privacy management metrics to the executive board.
13.7	Is documentation regarding the privacy management established and maintained to demonstrate compliance and accountability?	Top level governance requirement	5 24			Yes	No Recommendation
13.8	Has the organization sought to obtain and maintain certifications and accreditations to their data protection compliance for the supervisory authority?	Top level governance requirement				Partial	The organization should seek to obtain and maintain certifications and accreditations to their data protection compliance for the supervisory authority.
13 Track External Criteria							
13.1	Does the organization continuously monitor legal and regulatory requirements for data protection?	Top level governance requirement	39			---	The organization should continuously monitor legal and regulatory requirements for data protection.
13.2	Has the organization considered subscribing to compliance reporting services to gain insight into new developments regarding compliance requirements?	Top level governance requirement				---	The organization should consider subscribing to compliance reporting services to gain insight into new developments regarding compliance requirements.
13.3	Does the organization, where possible, attend and/or participate in privacy conferences and industry associations?	Top level governance requirement				---	The organization should, where possible, attend and/or participate in privacy conferences and industry associations.



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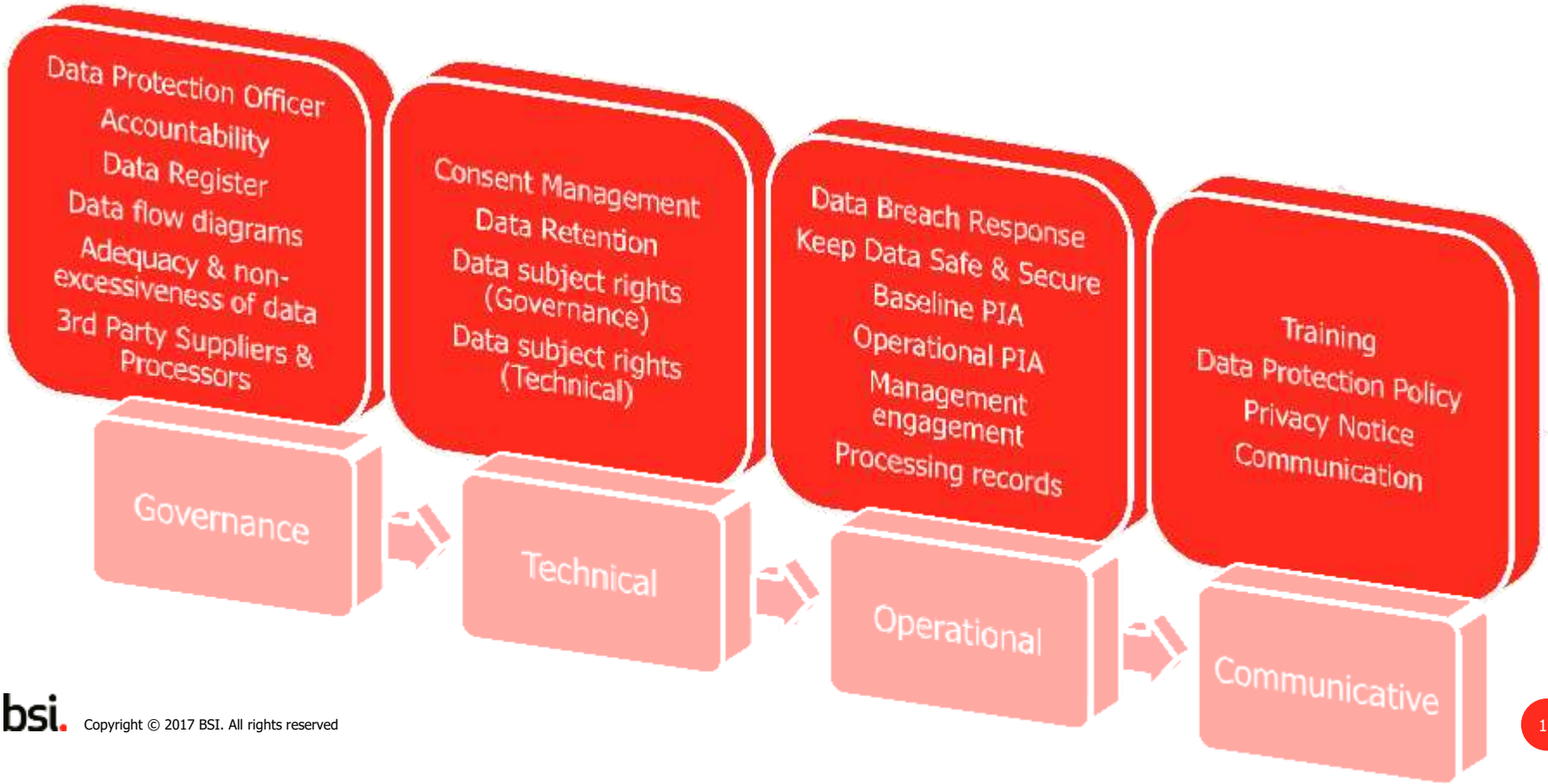
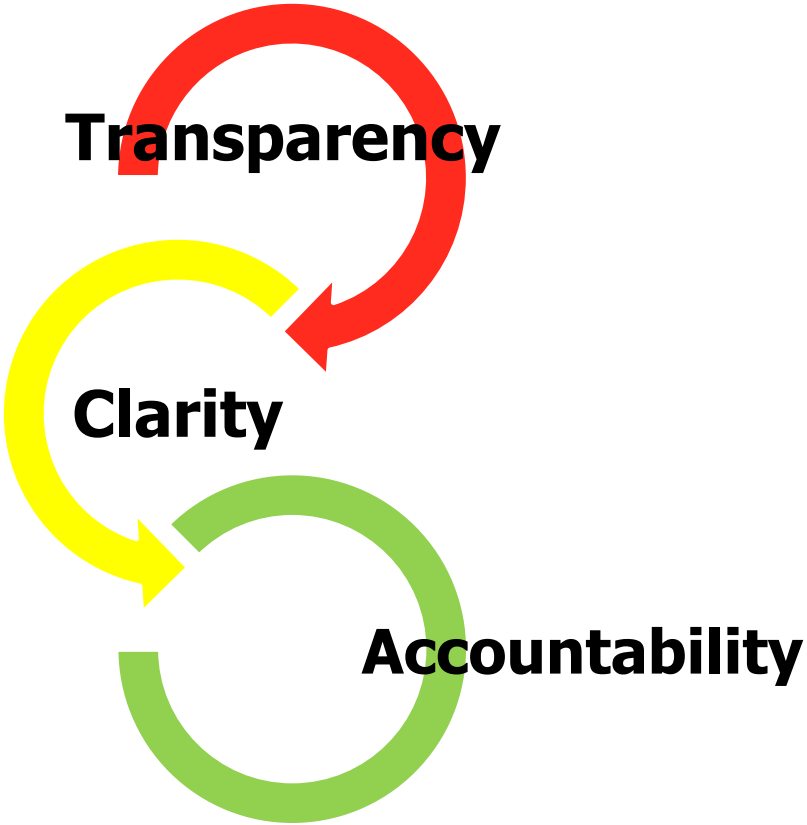
The aforementioned 20 steps…



Framework for our discussion



Step 1: Data Protection Officer

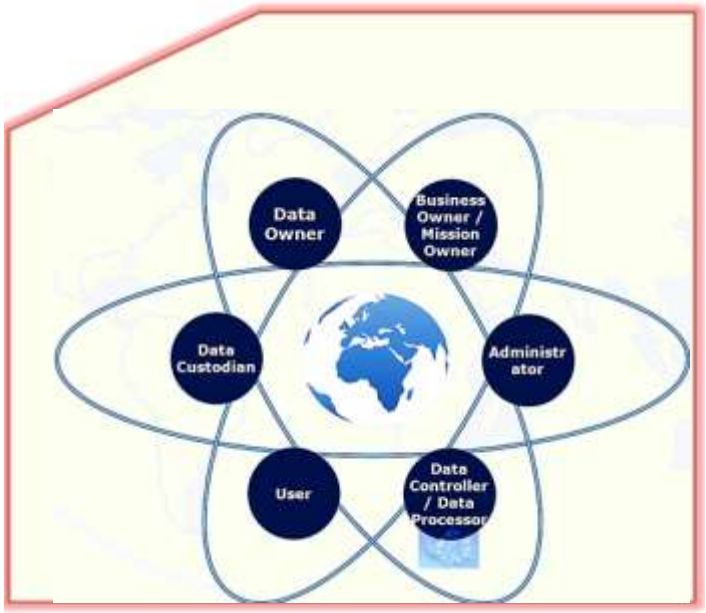
Governance

- Designate or outsource the DPO role;
- Ensure that DPO meets all training and competency requirements.
- Ensure that appointed DPO has no other operational conflicts of interest.

Difficulty level: Challenging

Step 2: Accountability

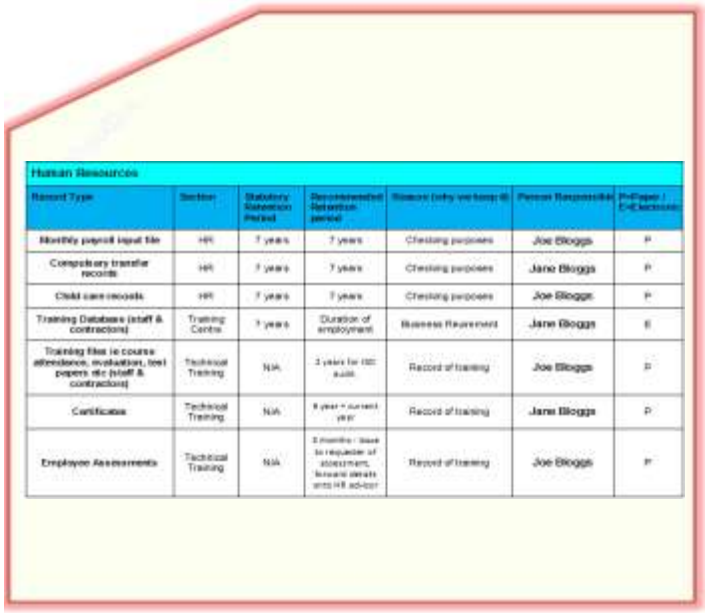
- Assign data ownership responsibility to business unit heads/representatives.
- Most organisations will already understand this.



Difficulty level: Simple

Step 3: Data Register

- Agree data register format and explain data owners' obligation to complete the info register and set deadline.
- The Data (or Information)Register will need to detail at least:
  - The names of systems which holds personal data
  - How the data is classified
  - Purpose for processing the data
  - Legal basis for processing the data
  - How long is data retained for
  - Specific fields or types of data contained therein
  - The data owner.

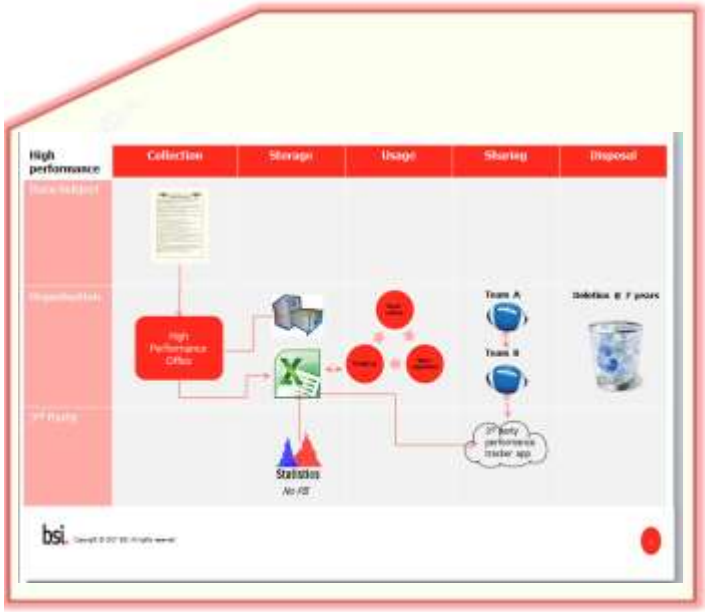


Human Resources						
Record Type	Section	Statutory Retention Period	Recommended Retention period	Reason (why we keep it)	Person Responsible	Hi-Copy / E-Electronic
Monthly payroll input file	HR	7 years	7 years	Checking purposes	Joe Bloggs	P
Compulsory transfer records	HR	7 years	7 years	Checking purposes	Jane Bloggs	P
Child care records	HR	7 years	7 years	Checking purposes	Joe Bloggs	P
Training Database (staff & contractors)	Training Centre	7 years	Duration of employment	Business Reurement	Jane Bloggs	E
Training files ie course attendance, evaluation, test papers etc (staff & contractors)	Technical Training	N/A	3 years for ISO audit	Record of training	Joe Bloggs	P
Certificates	Technical Training	N/A	6 year + current year	Record of training	Jane Bloggs	P
Employee Assessments	Technical Training	N/A	3 months - base to requester of assessment, forward details onto HR advisor	Record of training	Joe Bloggs	P

Difficulty level: Simple

Step 4: Data flow diagrams

- To be done in conjunction with data owner:
  - Explain data owners' obligation to help complete data flow diagrams
  - Initial meeting to discuss flows
  - GDPR lead to complete diagrams
- Diagrams should include:
  - Customer data details
  - Data volumes
  - Name of the system in which it is held
  - Business/technical owner
  - Details of 3rd parties to whom the data may be transferred (include security measures such as encryption)



Difficulty level: Low…"ish"

Step 5: Adequacy & non-excessiveness of data

- On a "challenge basis", review all data on information registers / data flows;
- If data is not absolutely required, delete and stop collecting it.
- This may require technical solutions!

Difficulty level: Medium

Step 6: 3rd Party Suppliers & Processors

- Where data is shared with 3rd parties ensure appropriate security and privacy agreements are contractually agreed and enforced.
- Perform audits and spot checks to ensure compliance.

Difficulty level: Challenging

Step 7: Consent Management

Technical

"Where consent is used **as basis for processing** data:

- Ensure that consent currently held will meet the requirements under the GDPR; if not, re-obtain consent.
- Ensure that all consents can be immediately demonstrated; if not, re-obtain consent and maintain a consent record.
- Where sensitive data (i.e. medical data / health data / claim data etc.), ensure that additional explicit consent has been obtained.
- Ensure process for removal of consent is clearly communicated at all points where data is collected and in privacy notice
- Identify any data relating to under 18s; ensure consent from parent has been provided; if not, re-obtain consent.

Difficulty level: Challenging

Step 8: Data Retention

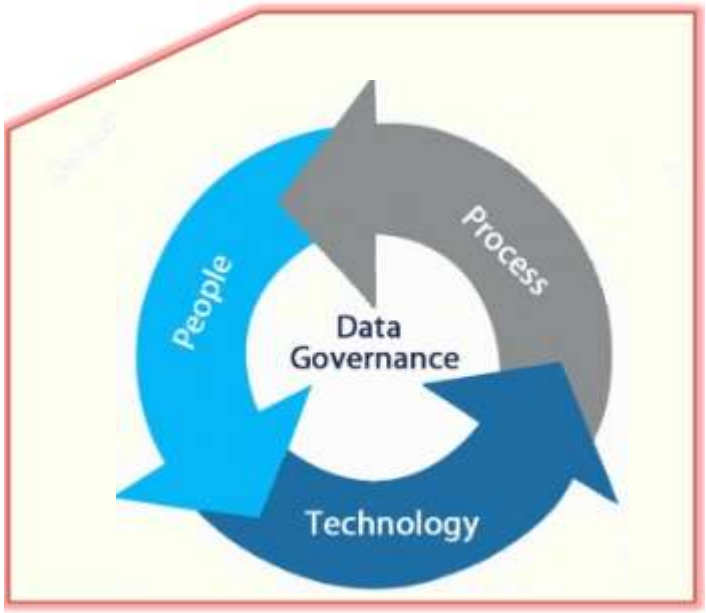
Technical

- Begin enforcing retention period;
- Delete any data that has passed agreed retention deadlines as per data register.
- Automate where possible!

Difficulty level: Low (But…)

Step 9: Data subject rights (Governance)

- Agree and document **governance policy and processes** for responding to new requirements.
  - Subject access requests
  - Right to restriction of processing / objection
  - Right to rectify
  - Right to erasure
  - Right not to be subject to automated decision making / Right to not be profiled
  - Data portability



Difficulty level: Medium

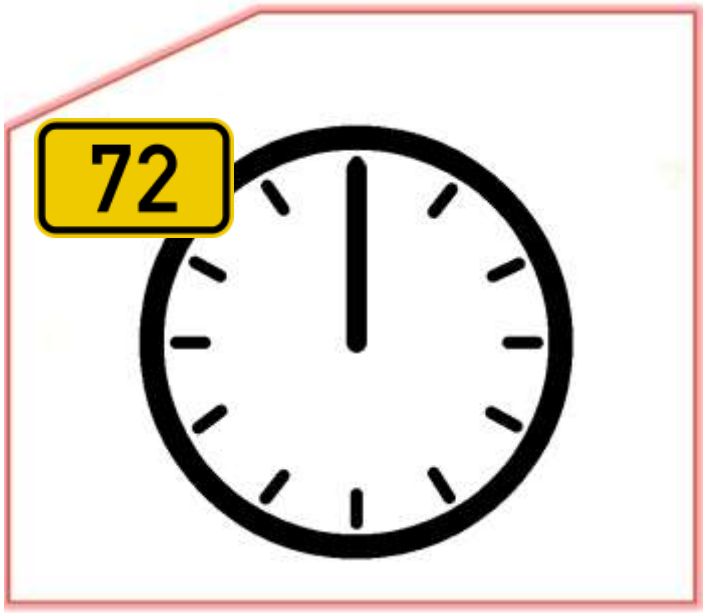
Step 10: Data subject rights (Technical)

- Agree and document **your technical approach** to responding to new requirements.
  - Subject access requests
  - Right to restriction of processing / objection
  - Right to rectify
  - Right to erasure
  - Right not to be subject to automated decision making / Right to not be profiled
  - Data portability

Difficulty level: Challenging

Step 11: Data Breach Response

- Agree and document data breach / data security incident response process.
- Engage 3rd party expertise for
  - Forensic analysis
  - Incident response
  - PR / Communications to affected stakeholders

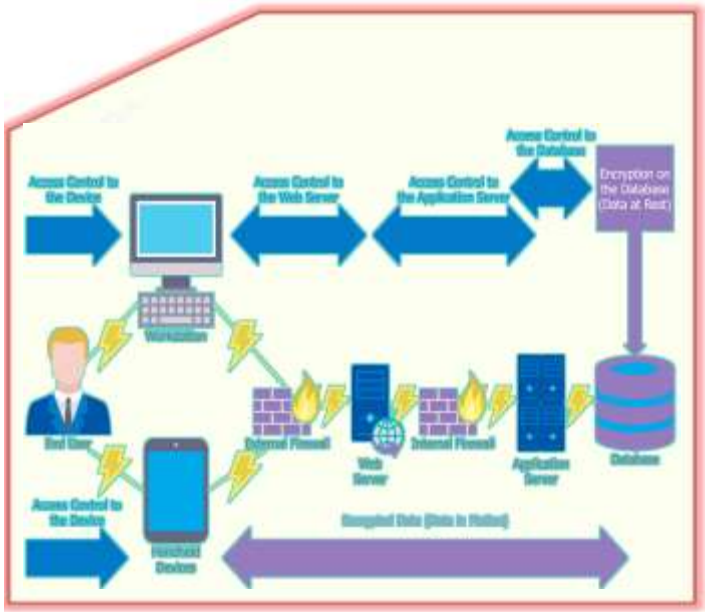


Difficulty level: Low (Really?)

Step 12: Keep Data Safe & Secure

Operational

- Review security provisions in place for all data sets and data flows (i.e. control data at rest and data in transit)
- Rely on data registers and data flow diagrams (as discussed earlier)
- Risk prioritised approach!



Difficulty level: Challenging

Step 13: Baseline PIA

Operational

- Privacy by design in practice.
- Complete baseline privacy impact assessment
- NOT a specific legal requirement under GDPR…
- BUT!

Difficulty level: Medium

Step 14: Operational PIA

- Agree and document repeatable approach for ongoing privacy impact assessments.
- Embed PIA gateways into other processes i.e.
  - SDLC
  - Project Management
  - Change Management
  - Procurement
  - etc.

Difficulty level: Medium

Step 15: Management engagement

- Management oversight is a legal requirement.
- Action: Agree and present DP as a standing item at board meetings with relevant information / KPIs.
- Suggestion is that KPIs should include at least the following:
  - Incidents
  - Near misses
  - Access requests
  - Privacy risks to be monitored / Outputs from PIAs
  - Data shared with 3rd parties and plans to monitor compliance

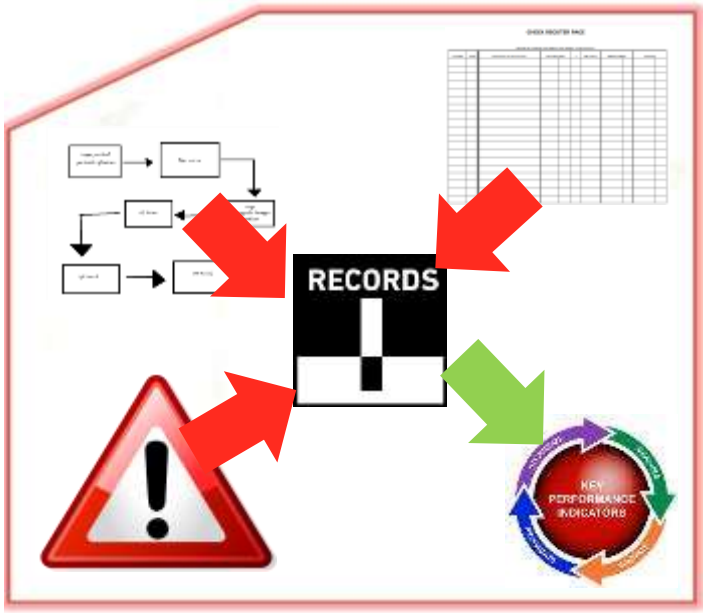
Difficulty level: Hmmmm…

Step 16: Processing records

Operational

- Now a legal mandate to maintain detailed records of processing operations.
- Suggestion is that records should include at least the following:
  - Information register
  - Data Retention Register
  - Third Party Transfer Register
  - Subject access request register

Note: as per diagram…

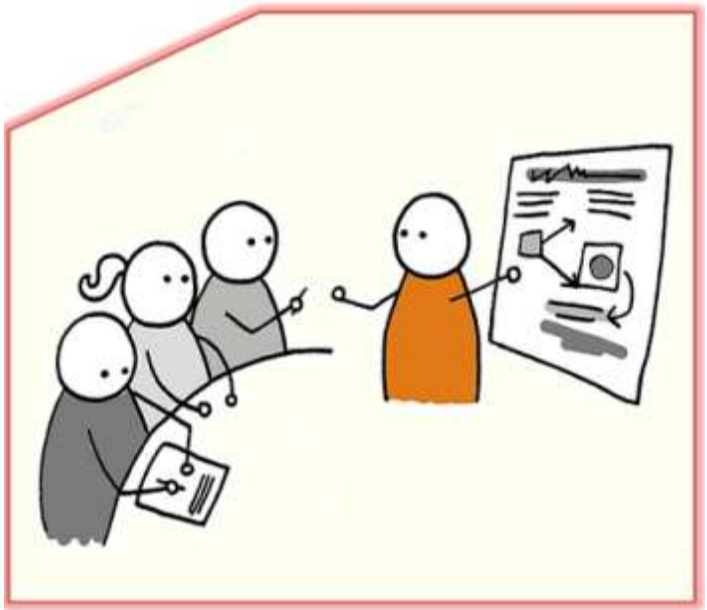


Difficulty level: Low (Really?)

Step 17: Training

Communicative

- Now a legal mandate to ensure that all staff who handle personal data receive appropriate training.
- Training to include:
  - Staff processing sensitive personal data will require tailored training
  - Staff should receive training at induction stage and before accessing personal data and should also receive annual refresher training
  - Maintain a Training Log
  - Third Party Processors!



Difficulty level: Medium

Step 18: Data Protection Policy

- Review and update **data protection policy** to account for outputs of all the above processes.

Data Protection policy

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless – (a) at least one of the conditions in Schedule 2 is met, and (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.
2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under this Act.
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Difficulty level: Medium

Step 19: Privacy Notice

Communicative

- Review and update data **privacy notice** to account for outputs of all the above processes.

Difficulty level: High

Step 20: Communication

- Publish and distribute updated DP policy and updated Privacy Notice to all appropriate stakeholders (internal and external)
- Be clear to all internal stakeholders: this is what we do and what our expectations are.
- Be clear to all **external** stakeholders:
  - This is the data we have
  - This is why we have it
  - This is what we do with it
  - This is where we store it
  - This is how long we'll hold it for
  - This is how you can exercise your rights

Difficulty level: Low (But…)

Homework

Steps to follow in your own organisation

Your Plan for the next 7 months?

For more information

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