RSAConference2020
San Francisco | February 24 – 28 | Moscone Center

HUMAN ELEMENT

SESSION ID: PS-W11

A Mapping of GDPR to Common Features

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By the time I'm done today, you'll know a key set of features a product should have for GDPR readiness.

Agenda

- Disclaimer
- How we got to now in GDPR
- GDPR Rights for Feature Guidance
- Creation and Review of Features
- List of Features by GDPR right
- Application and Practical Example
- Q&A

I Am Not Anyone's Lawyer

- Everyone deserves good privacy
- Want to meet or exceed…
  - User expectations
  - Regulations
  - Customer needs
- Works for us as a starting point
- Double-check my work in your context

The Path to GDPR Analysis

The Nine GDPR "Rights"

Right to Information	Right of Access	Right of Rectification
Right to be Forgotten	Right to Restrict Processing	Right to Data Portability
Right of Notification	Right to Object	Right to Bring Class Actions

Right to Information

Individuals have a right to know what type of data is being collected about them and how it will be used.

Right of Access

Individuals have a right to access the personal data held about them, regardless of format or storage location.

Right of Rectification

Individuals have a right to get the information about them corrected if there are any errors.

Right to be Forgotten

Individuals have a right to request data about them be removed/erased from storage when there is no longer a valid reason to hold it.

Right to Restrict Processing

Individuals have a right to exclude their information from shared processing solutions.

Right to Data Portability

Individuals have a right to request and receive an export (in a common format) of all data held about them by the system.

Right of Notification

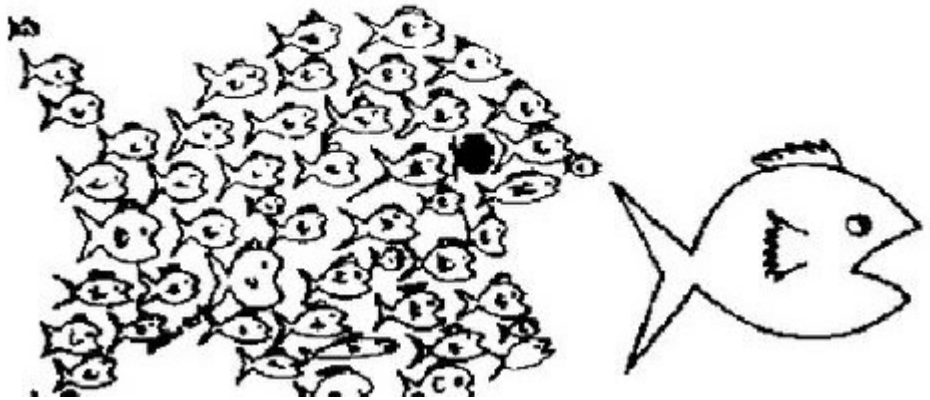
Individuals have a right to be notified of any disclosure, change, or correction of their information.

Right to Object

Individuals have a right to challenge and/or question automated decisions made about them or on their behalf.

Right to Bring Class Actions

Individuals have a right request group action on their behalf against an organization holding their data.



Feature Brainstorming, Development, and Review

Features Listed and Grouped by GDPR Right

Right to Information

Have a posted or configurable privacy policy	• Provide a link to a posted legally reviewed privacy policy for users to read
Have contacts for questions/updates	• Provide a list of contact points (phone numbers, e-mail addresses, etc.) for Privacy questions or concerns (may be posted within privacy policy)
End user license agreement confirmation	• Request the user to confirm the license agreement (including reference to the associated privacy policy) at account creation or first launch

Right of Access

Have a way for users to see "what do you know about me?"

- Provide a feature for users, customers, or other authorized representatives to see all appropriate detail known about the end user

Right of Rectification

Have a way for users to change/update what the system knows about them

- Provide a feature to allow users to self-service appropriate information updates

Right to be Forgotten

What does "forgotten" mean to your product?	• Define the constraints for a "Right to be Forgotten" request including potential legal requirements to retain data
Audit trail of request and result	• Provide an audit feature of who did what privacy actions when
Remove or phase-out individual's information from backups (see legal)	• Provide feature or mechanism to remove user's information from backup data (over time a period of time, if appropriate)

Right to be Forgotten, Continued

Delete as much as possible (except as legally required)	• Provide a feature and/or process to remove data as much as possible within applicable retention laws
Hidden from searches where cannot be deleted (see legal)	• Provide a mechanism to hide users from search results where information cannot legally be deleted
Remove individual's information from logs (see legal)	• Excise individual’s data (PI/PII/PHI) from logs as defined and constrained by law. (i.e. keep PHI out of logs)

Right to Restrict Processing

Remove or phase-out of backups	• Remove expired/deleted individual's data from backup history as appropriate
Acquire user consent for data usage	• Provide a feature to confirm the individual granted permission to use their data for specific purpose
Follow user's consent decision (as much as possible)	• Data tagged with consent information regarding acceptable uses

Right to Restrict Processing, Continued

Underage tracking with parent approval	• Provide a feature to associate underage users with a privacy decision maker (e.g. parent or guardian)
Allow humans to correct a decision based on automated processing	• Provide a way for authorized humans to correct errant data processing decision results
Opt in/out of demographic data	• Provide a way for users to opt in/out of having their information used in demographic calculations

Right to Restrict Processing, Continued Again

Opt in/out of pseudonymization	• Provide a way for users to opt in/out of having their information used in pseudonymized data sets
Have a way for users to control who can view detail about them	• Provide a way for users to specify which service providers are allowed to view their record (where appropriate for direct data access)
Age gate cross-over	• Provide a feature to verify consent when a user comes of age

Right to Data Portability

Have a way for users to download "what you know about me"	• Provide a method for users to download their entire record
Have a way for users to export entire set of records	• Provide a feature or mechanism for a user to move all data from one service provider to another
Have a way to choose format of data export	• Provide a format picking mechanism when users export data

Right of Notification

Have a way to notify users if/when privacy policy changes	• Have a feature to inform users of EULA or privacy policy changes
See who accessed my stuff and when	• Provide an automated way to audit who looked at what records
Have a way to notify users if/when a privacy incident occurs	• Have a feature to automatically notify of users impacted by any privacy incident (e.g. breach)

Right to Object

Notify on cookies use by site	• Notify the user if cookies will be placed in browser cache
Have an unsubscribe for spam	• Allow the user to undo a previous opt-in for marketing messages
Opt-in to marketing messaging and data by default	• Require opt-in (by default) user consent to be included in or receive marketing messages

Right to Object, Continued

Have a way for user to change consent choice for demographics/marketing	• Allow the user to undo a previous opt-in for data usage by demographics or marketing systems
Have a way to re-check consent on change of EULA or privacy policy	• Provide a feature to re-confirm a user's consent upon notification data usage changes
Have a way to track consent for various use types based on metadata tagging	• Provide a method describe users consent to various data usage scenarios as it flows throughout the system

Right to Bring Class Actions

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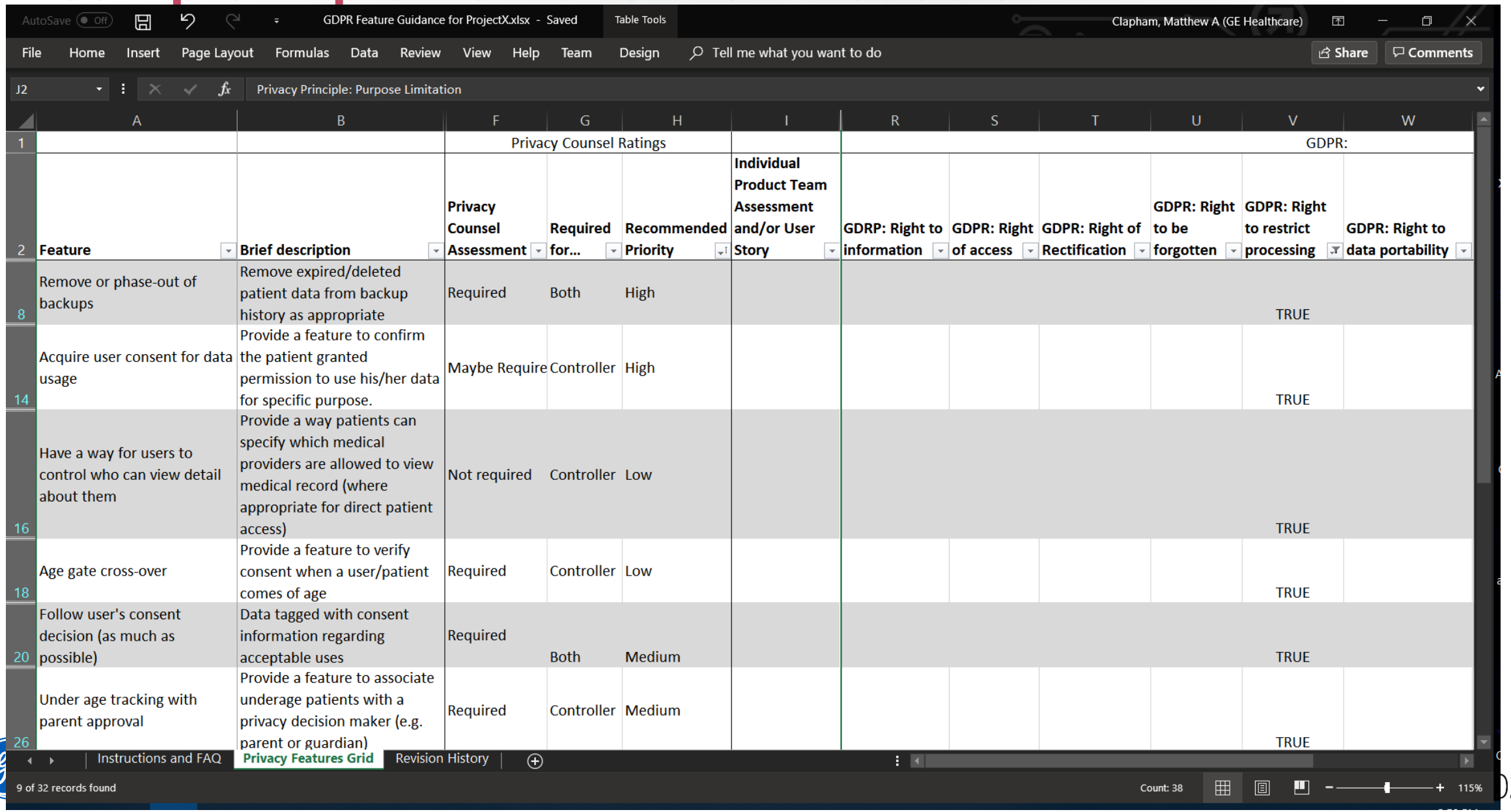
Known Gaps

- Feature collections is unevenly distributed
- Retention policies aren’t really discussed
- Better feature specificity needed
- Privacy law changes need review/incorporation
- Data processors underrepresented
- No way to answer the controller vs. processor question
- More self-service features

Apply What You Have Learned Today

- Next week you should:
  - Identify a target project that is GDPR impacted
  - Consult with your GDPR legal counsel
- In the first three months you should:
  - Add all these features to the project backlog
  - Evaluate each in context and create user stories as appropriate
- Within six months you should:
  - Implement at least one feature from each right (category)

A Sample Implementation for Products



GDPR Feature Guidance for ProjectX.xlsx - Saved

Privacy Principle: Purpose Limitation

	A	B	F	G	H	I	R	S	T	U	V	W
1			Privacy Counsel Ratings								GDPR:	
2	**Feature**	**Brief description**	**Privacy Counsel Assessment**	**Required for...**	**Recommended Priority**	**Individual Product Team Assessment and/or User Story**	**GDPR: Right to information**	**GDPR: Right of access**	**GDPR: Right of Rectification**	**GDPR: Right to be forgotten**	**GDPR: Right to restrict processing**	**GDPR: Right to data portability**
8	Remove or phase-out of backups	Remove expired/deleted patient data from backup history as appropriate	Required	Both	High						TRUE	
14	Acquire user consent for data usage	Provide a feature to confirm the patient granted permission to use his/her data for specific purpose.	Maybe Require	Controller	High						TRUE	
16	Have a way for users to control who can view detail about them	Provide a way patients can specify which medical providers are allowed to view medical record (where appropriate for direct patient access)	Not required	Controller	Low						TRUE	
18	Age gate cross-over	Provide a feature to verify consent when a user/patient comes of age	Required	Controller	Low						TRUE	
20	Follow user's consent decision (as much as possible)	Data tagged with consent information regarding acceptable uses	Required	Both	Medium						TRUE	
26	Under age tracking with parent approval	Provide a feature to associate underage patients with a privacy decision maker (e.g. parent or guardian)	Required	Controller	Medium						TRUE	

Instructions and FAQ | Privacy Features Grid | Revision History

9 of 32 records found | Count: 38 | 115%

Recap

- GDPR analysis
- GDPR “rights”
- Feature development
- Feature review
- Features list
- Practical application

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Q&A

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Thank you!

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