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# GDPR ESSENTIAL
## ENFORCEMENT: WHEN WILL THE BIG SCARY FINES HAPPEN, AND HOW DO YOU AVOID THEM?

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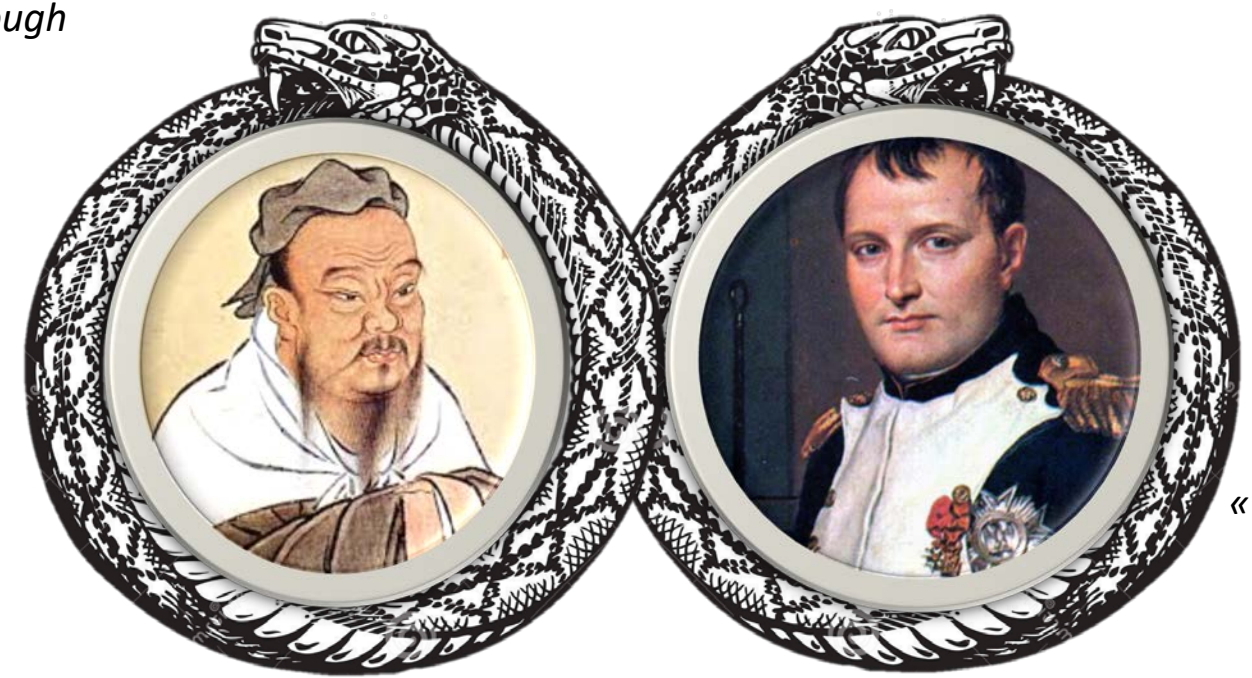
GDPR is not a matter of Laws and Techs.
It’s more important than that!

# Always the same old long story…

*« You must be tough*
*When defining*
*the laws.*
*You must be*
*indulgent*
*When applying*
*the laws. »*



*« The cristal clear laws are often a nightmare to implement. »*

# Agenda



- WHEN Enforcement can / could happen
- HOW Enforcement will / could start
- WHY Enforcement actions will / should target you
- HOW you should avoid the big fines


WHAT'S NEW


GDPR
General
Data
Protection
Regulation
25 May
2018
Before
After

# What if you don't understand what to do, when and how … And did not do…


| Timeline | | Scope | Principles | |
|---|---|---|---|---|
| Adopted in **April 2016** | Comes into force **May 25th 2018** | All EU and foreign companies processing data of EU citizens | Citizen regain control of personal data | Harmonise national data protection regimes |

## Key Concepts

**Personal Data Protection GDPR reinforces concepts**

| | |
|---|---|
| ✓ Consent | ✓ Right to data portability |
| ✓ Processing limitation | ✓ Complaint management |
| ✓ Right to be forgotten | ✓ Right to compens. & liability |
| ✓ Protection of minors | ✓ Profiling |

Genetic | Mental | Cultural | Economic | Social

## Key Implications

**Principle of Accountability**

| | |
|---|---|
| ✓ Data Protection Officer | ✓ Tech & Org. Measures |
| ✓ Processing record | ✓ Privacy by design |
| ✓ Controlling and monitoring | ✓ Privacy Impact Ass. |
| ✓ Processor | ✓ Cross-border processing |
| ✓ Extraterritoriality | ✓ Data breach notification |

**Fines of up to 20 million euros or 4% of world wide annual turnover**

**Authority can issue instruction to cease processing**

**Non-compliance can lead to loss of brand reputation and trust**

**privacy for customers, accountability for enterprises, power for regulators**

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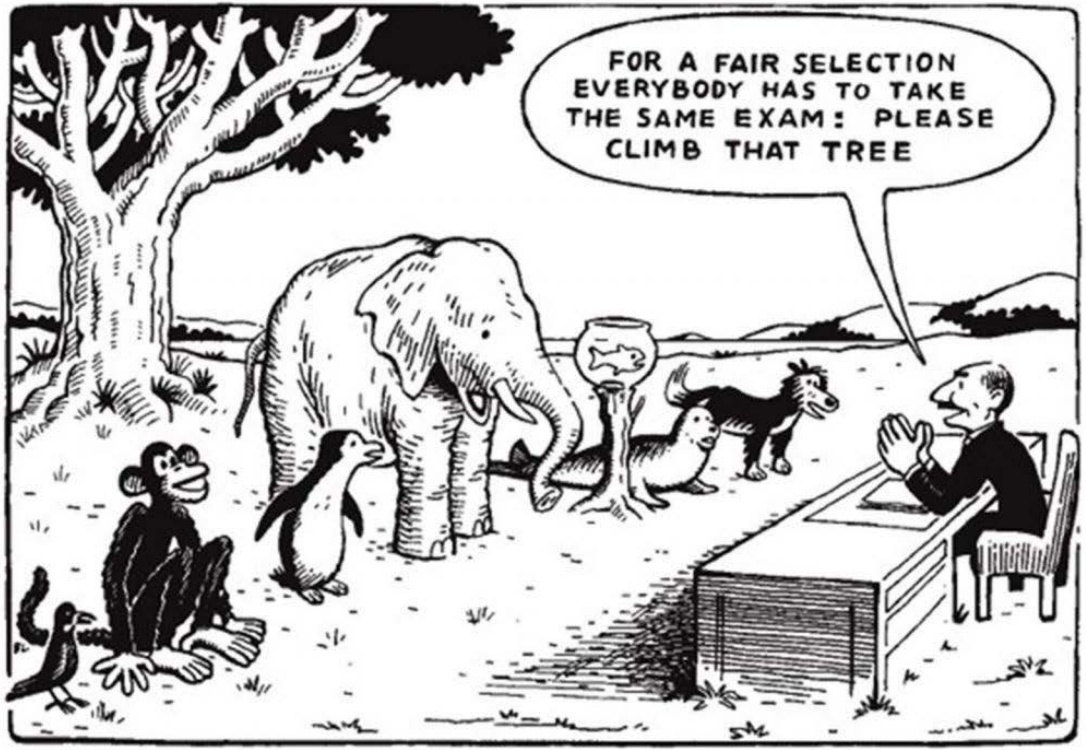
# All organizations are not on the same boat…






GEOS

SIZE

SECTOR

DATA

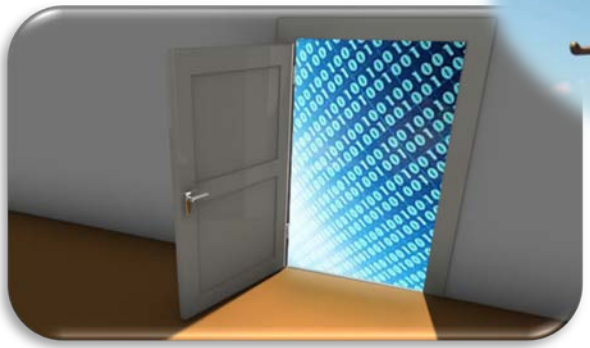
# How enforcement can / could start?



## Basic scenarios

All lead to DPAs






# WHY Enforcement actions will / should target you?
## Art. 83 describes criteria to be analyzed in case of infringement






*Infringement of the Regulation should lead to the imposition of "equivalent sanctions".*
*Like all corrective measures chosen by the supervisory authorities, administrative fines should be "effective, proportionate and dissuasive".*

# HOW TO AVOID THE BIG SCARY FINES?

**The big scary fines for big organizations handling big volume of data**

**Not only! Reputation + Operations and small organizations are in the scope too**

# Apply what the DPAs recommend
# Guidelines and tools



General Data Protection Regulation

European Data Protection Board

**Art. 29 working party**
**Guidelines on the application and setting of administrative fines for the purposes of the Regulation 2016/679**
**Adopted on 3 Oct. 2017**

# 11 assessment criteria of infringements (Art.83) leading to warnings, reprimands or fines



*(a) the nature, gravity and duration of the infringement*

*(b) the intentional or negligent character of the infringement*

*(c) any action taken by the controller or processor to mitigate the damage suffered by data subjects*

*(d) the degree of responsibility of the controller or processor taking into account technical and organisational measures implemented by them pursuant to Articles 25 and 32;*

*(e) any relevant previous infringements by the controller or processor*

*(f) the degree of cooperation with the supervisory authority, in order to remedy the infringement and mitigate the possible adverse effects of the infringement;*

*(g) the categories of the personal data affected by the infringement*

*(h) the manner in which the infringement became known to the supervisory authority, in particular whether, and if so to what extent, the controller or processor notified the infringement*

*(i) where measures referred to in Article 58(2) have previously been ordered against the controller or processor concerned with regard to the same subject-matter, compliance with those measures*

*(j) adherence to approved codes of conduct pursuant to Article 40 or approved certification mechanisms pursuant to Article 42*

*(k) any other aggravating or mitigating factor applicable to the circumstances of the case, such as financial benefits gained, or losses avoided, directly or indirectly, from the infringement*

# Simplification: 12 basic solutions are needed to demonstrate compliance


## Consent and Individuals' Rights Management

- Rights Mgmt
- Consent Mgmt

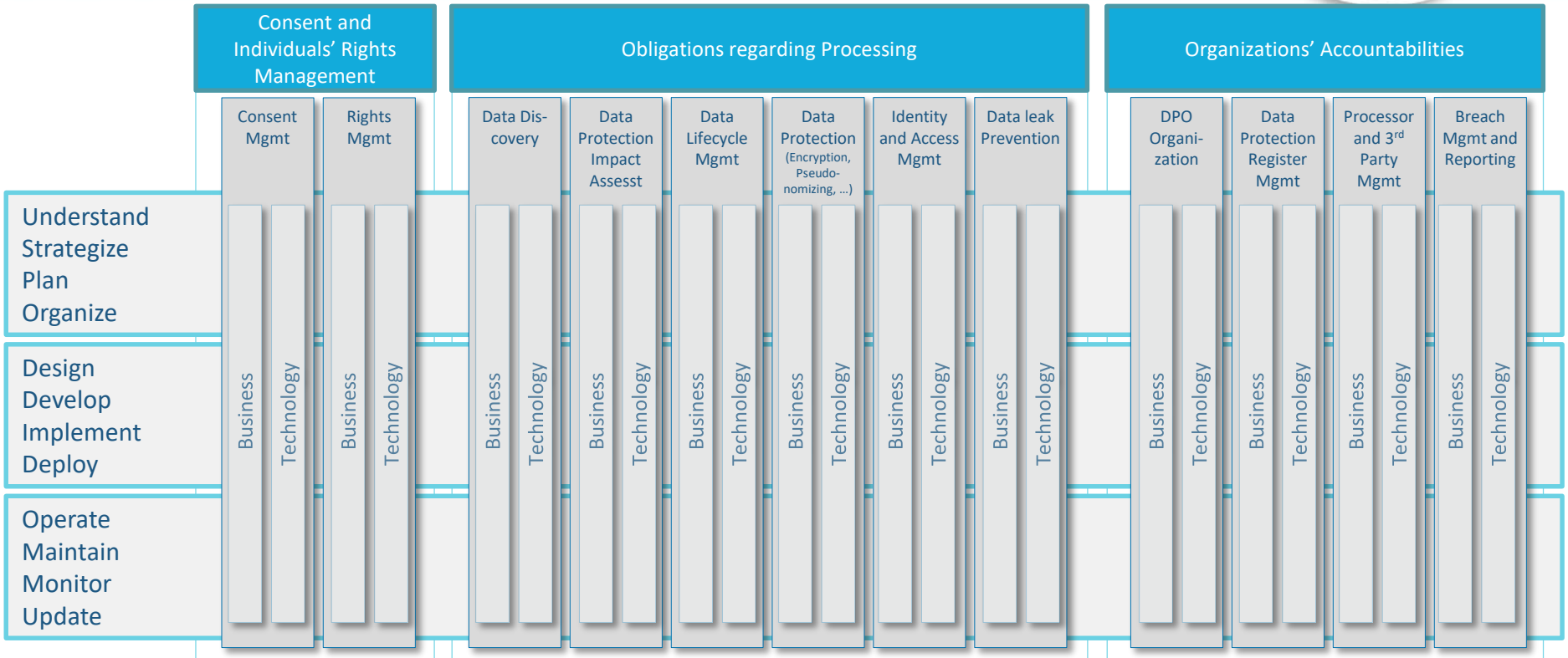
## Obligations regarding Processing

- Data Discovery
- Data Protection Impact Assessment
- Data Lifecycle Mgmt
- Data Protection (Encryption, Pseudonomizing, …)
- Identity and Access Mgmt
- Data leak Prevention

## Organizations' Accountabilities

- DPO Organization & Documentation
- Data Protection Register Mgmt
- Processor and 3rd Party Mgmt
- Breach Mgmt and Reporting

# Build a consistent plan to cover the full GDPR playing field



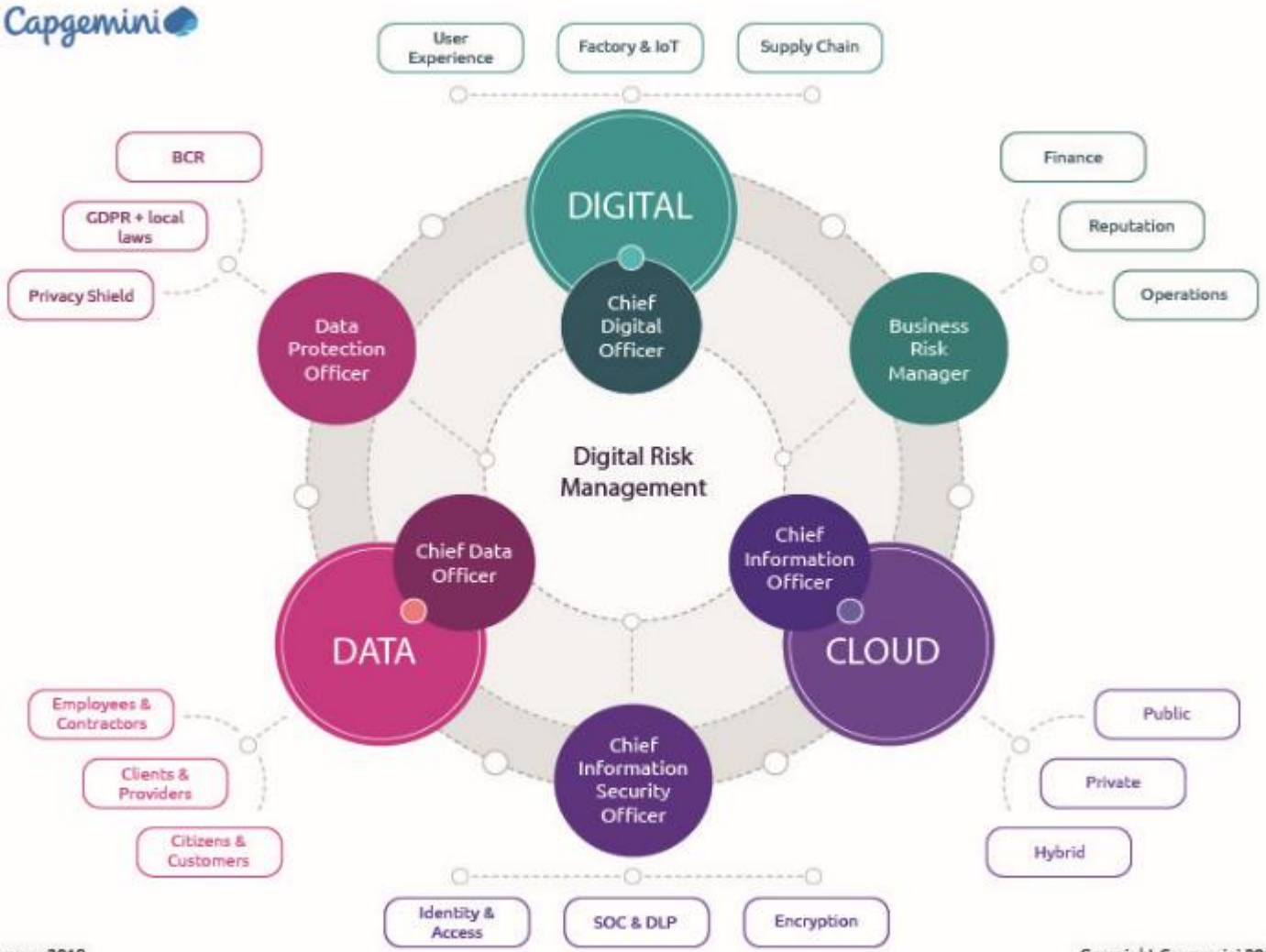
# Digital GOVERNANCE

3 duos and
6 stakeholders
to be onboarded

CDO / DRO

CDO / DPO

CIO / CISO



# Agile Organization and Acculturation

## Platform based to manage digital risks for Data & People



***Digital Risk Management***

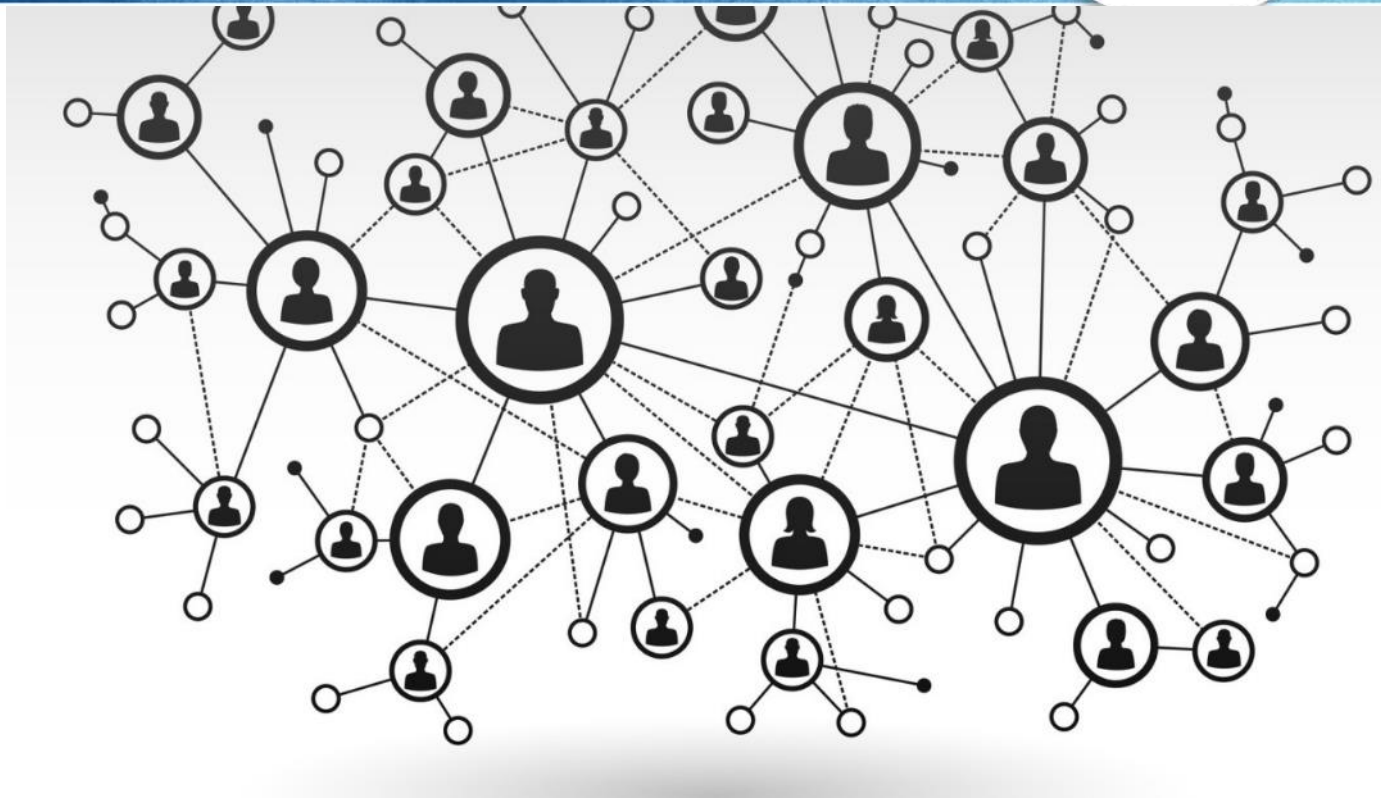
***(Cyber) Security***

***Privacy***

***Safety***

***Continuity***

***(Physical) Security***



# Build GDPR automated services to …
# Demonstrate how you run effective compliance


**1 GDPR Assessment Services**
Program Scoping, Deep Dive Assessment, Data Protection Impact Assessment

**2 GDPR Program Services**
Data Protection Register management, Awareness & Change management, Program coordination and follow-up (incl KPI's, Risk and reporting), DPO Organization & Tooling, Processor and third party management, GDPR organization, methodology and procedures

**3 Data Discovery Services**
Data discovery services

**4 Data Lifecycle Services**
Data retention and data disposal

**5 Consent & Individual's Rights Mgmt Services**
Consent management, Individual's rights management

**6 Pseudonymizing Services**
Pseudonymizing Services

**7 Data Protection Services**
Identity Access Management & Identity as a Service,
Data & Database Security

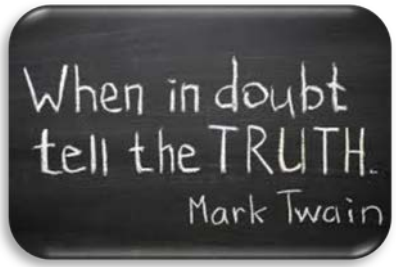
**8 Breach Management & Reporting Services**
Security Operations Center as a Service, Data Leak Prevention as a Service

**9 GDPR Assurance Services**
Data Breach Simulation, GDPR compliance tracking, Application security & privacy testing, DPA Visit Simulation

# Be prepared for incident and breach management







# CONCLUSION

**May 25th is just the beginning!**

**Build digital trust with automated solutions for GDPR.**

# “Apply” Slide



- Next week you should:
  - Control your GDPR compliance journey is running (governance, program, data processing accountability incl. third parties, register, trainings, incident & breach management, security audits & controls)
- In the first three months following this presentation you should:
  - Have minimized personal data of EU citizens handled in you systems (incl. data processors) in the long term (Data lifecycle management)
  - Have controlled implementation of basic security solutions such as vulnerability & patch management, encryption and access control to personal data (privileged users, DB monitoring, transfers, etc.)
  - Have tested incident / breach management procedures
- If not in place or launched, within six months you should:
  - Industrialize a data masking / pseudonymization process
  - Develop a “application security & privacy testing” process
  - Transform your “infra” based SOC into an “application & data leak” monitoring platform


# THANK YOU!