So, You Own a Privacy Program Now

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What’s privacy?

Privacy is not…

Privacy is not… “compliance”

Privacy is not… “legal”

Privacy is…

Privacy is… operational

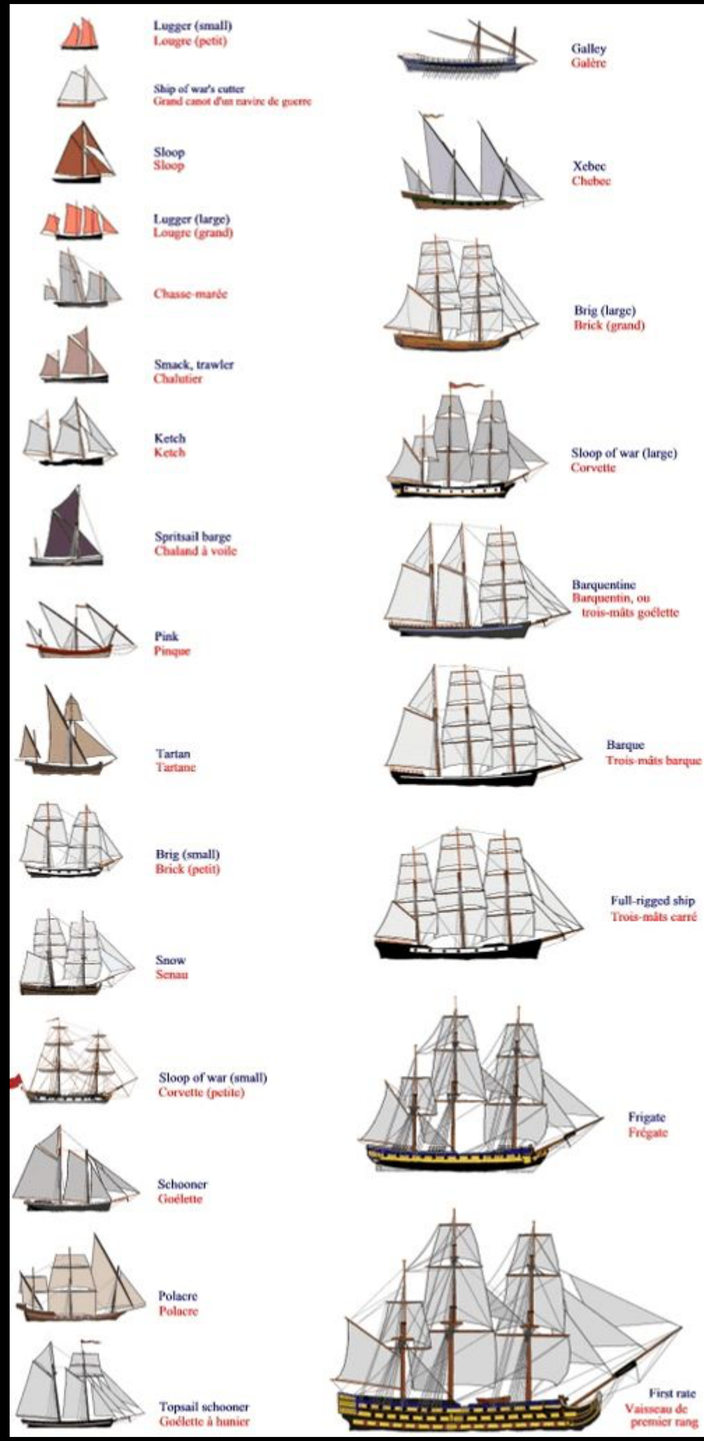
Privacy is… technical

Privacy is… subjective

What’s the plan?

Scope and Exposure

- What countries and regions?
- What industry sectors?
- B2C, B2B, or combined customer base?
- What type and volume of personal data?
- What type of sensitive data?
- What audits and certifications?
- Sales & marketing, product, and HR



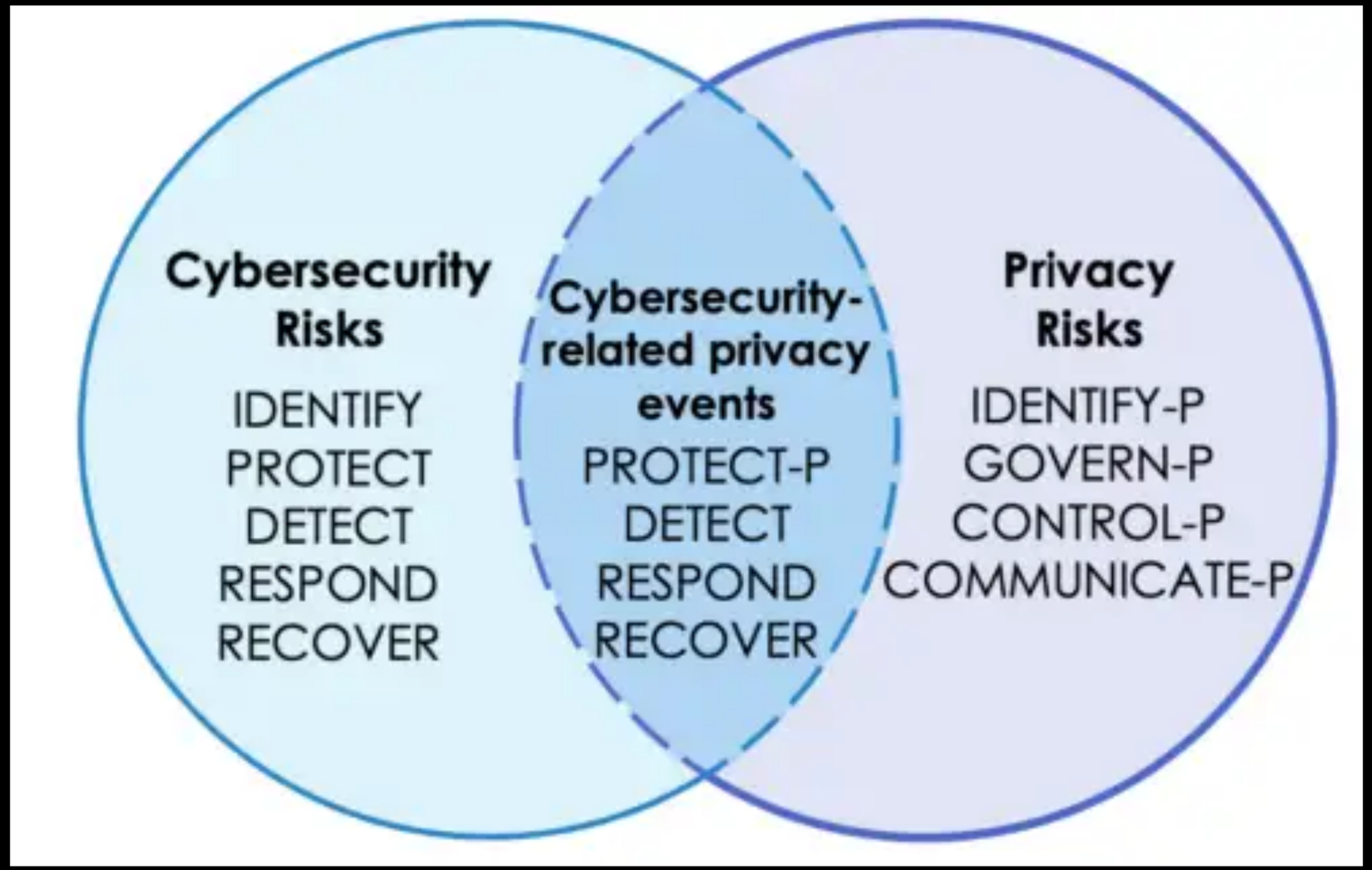
Legal Resourcing

- Internal vs external counsel
- Customer & vendor contracts and data protection agreements (DPAs)
- Transfer Impact Assessments & international transfer mechanisms
- Incident response privilege and breach communications
- Public and internal privacy policies & consent language

Frameworks

- Laws are not frameworks
- Extend security frameworks:
  - ISO 27001 ISMS > ISO 27701 PIMS
  - NIST CSF > NIST Privacy Framework (NIST-P)
  - SOC 2 > Privacy Criteria & AICPA Privacy Management Framework
- Generally Accepted Privacy Principles (GAPP) and OECD
- PCI DSS and HITRUST with modifications

Frameworks: NIST Combined Model



ID-P	Identify-P	ID.IM-P	Inventory and Mapping
		ID.BE-P	Business Environment
		ID.RA-P	Risk Assessment
		ID.DE-P	Data Processing Ecosystem Risk Management
GV-P	Govern-P	GV.PO-P	Governance Policies, Processes, and Procedures
		GV.RM-P	Risk Management Strategy
		GV.AT-P	Awareness and Training
		GV.MT-P	Monitoring and Review
CT-P	Control-P	CT.PO-P	Data Processing Policies, Processes, and Procedures
		CT.DM-P	Data Processing Management
		CT.DP-P	Disassociated Processing
CM-P	Communicate-P	CM.PO-P	Communication Policies, Processes, and Procedures
		CM.AW-P	Data Processing Awareness
PR-P	Protect-P	PR.PO-P	Data Protection Policies, Processes, and Procedures
		PR.AC-P	Identity Management, Authentication, and Access Control
		PR.DS-P	Data Security
		PR.MA-P	Maintenance
		PR.PT-P	Protective Technology

Low Hanging Fruit

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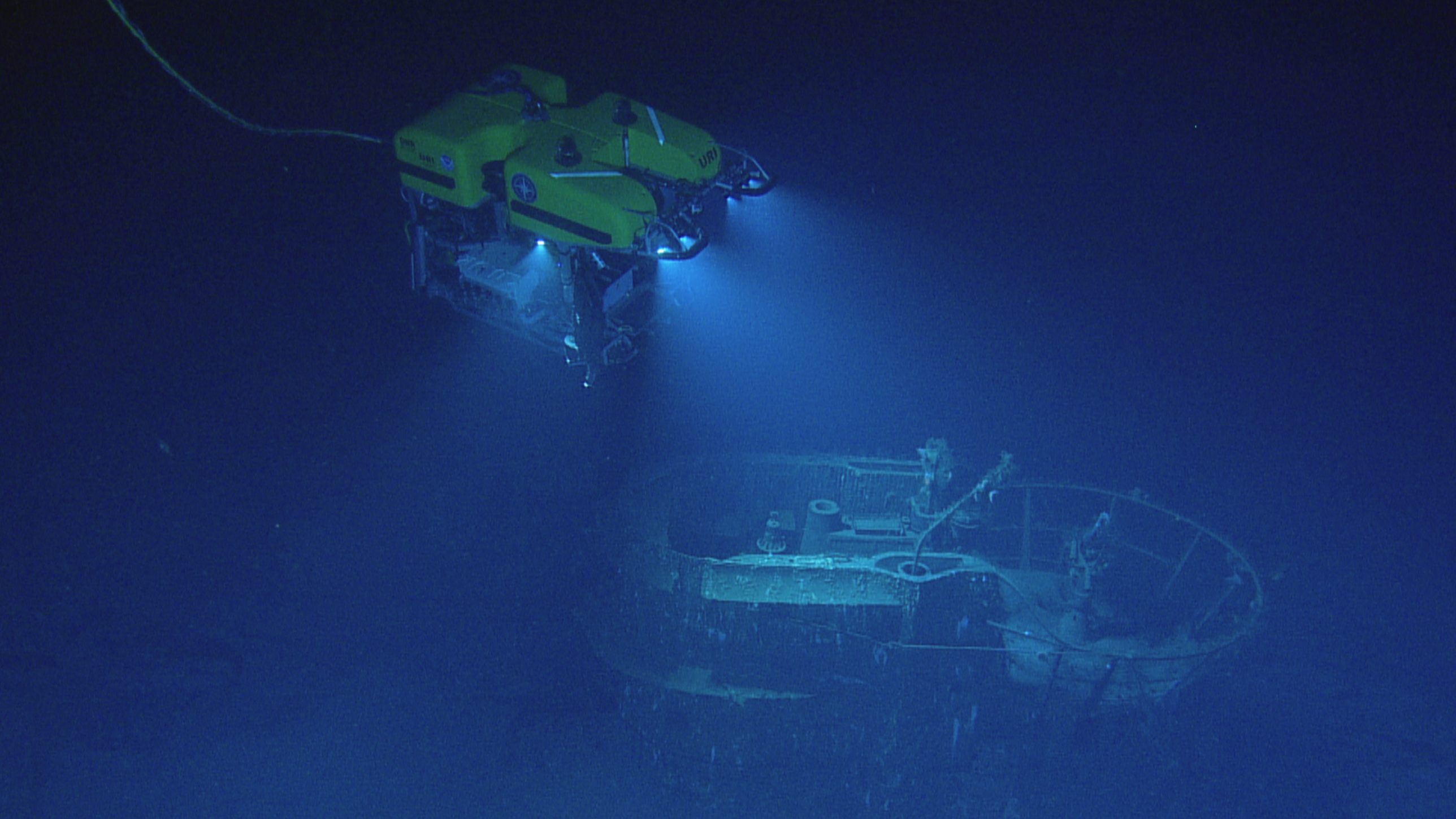
- Add privacy criteria to vendor risk evaluation
- Create an enterprise Data Privacy Champions community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Risk Assessments

- Enterprise risk assessment & registry (e.g., FAIR Model)
- Processing-level assessments:
  - Privacy Impact Assessment & Data Protection Impact Assessment
  - Third party risk assessment (vendor, partner)
  - Specialty assessments (Legitimate Interest, Cross-Border Transfer Impact)
- Engage internal and perhaps external audit

Risk Assessments

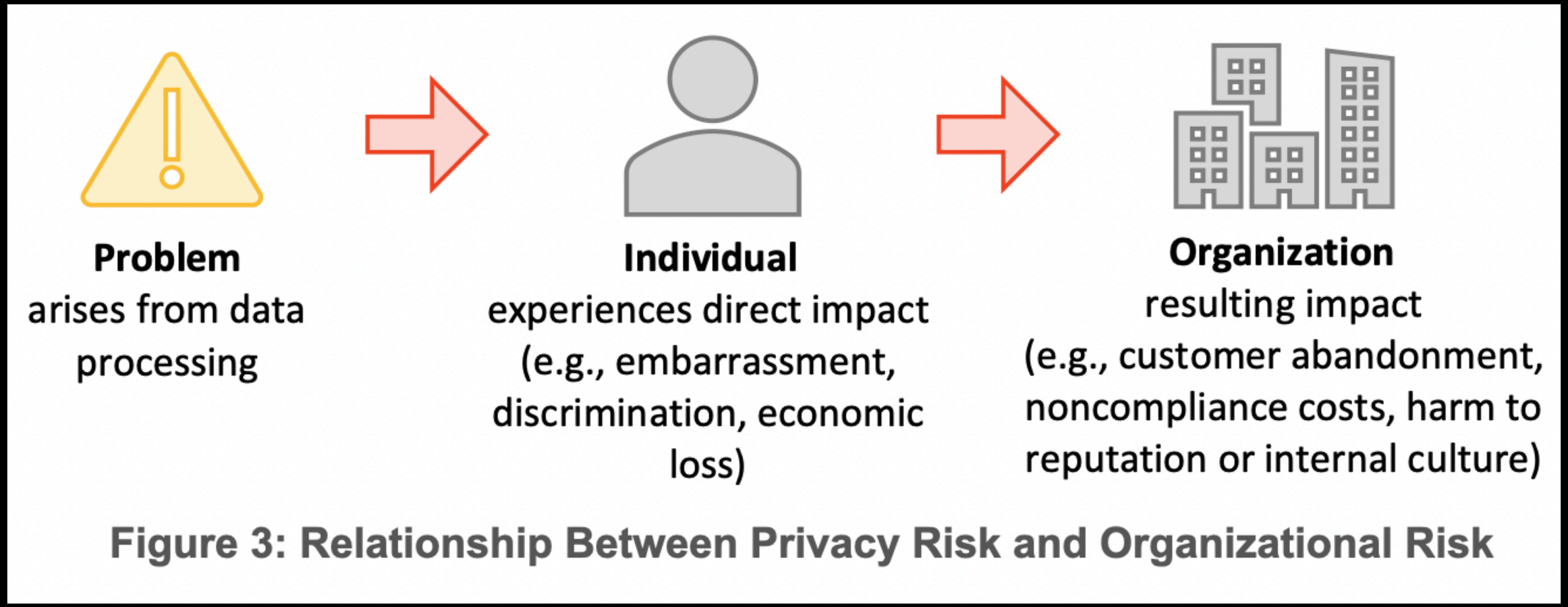

Figure 3: Relationship Between Privacy Risk and Organizational Risk

Data Identification and Governance

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- Evaluate data and processes for minimization and purge opportunities

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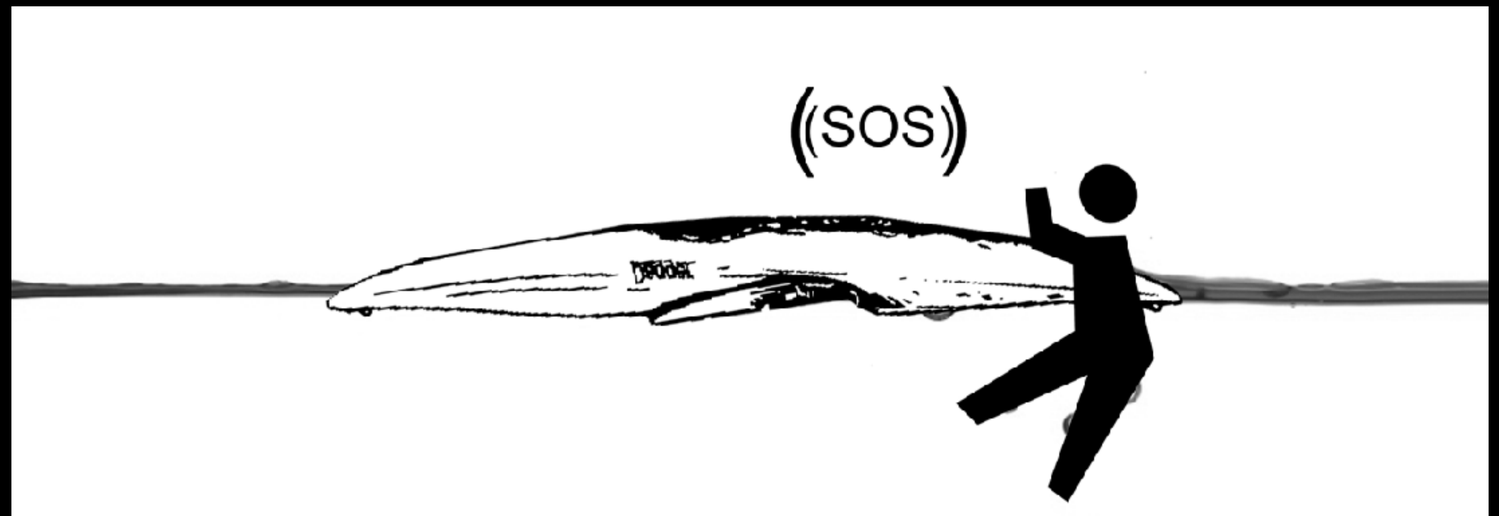
- Apply retention policies to all data
- Look for opportunities to minimize and securely purge data
- Limit access and data use to what is strictly necessary

Privacy by Design

- Embed privacy reviews and checks through the SDLC from planning to CAB
- Make privacy the default option and give users notice and choice
- Introduce appropriate data-specific technical controls:
  - Data Loss Prevention (DLP)
  - De-identify: anonymize, aggregate, psuedonymize, tokenize, mask, hash
  - Encryption & granular/segregated access management
  - Logs and SIEM alerts for data exposure and abuse

Incident Response

- Add privacy roles to tabletop exercises and use data breach scenarios
- Update incident response plans for non-technical exposure and breach
- Use data governance processes to assess incident severity and response
- Train SOC and incident management teams to recognize personal data



What’s next?

71%
COUNTRIES WITH
LEGISLATION

9%
COUNTRIES WITH
DRAFT LEGISLATION

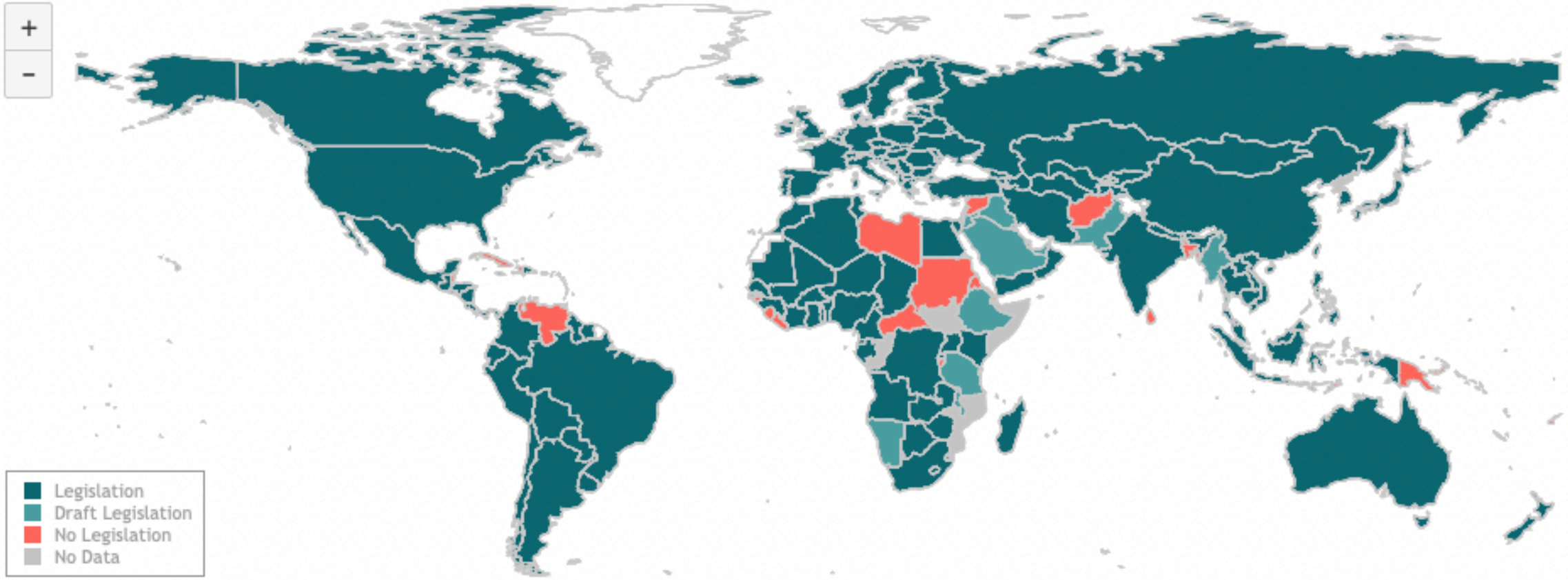
15%
COUNTRIES WITH
NO LEGISLATION

SELECT A COUNTRY

SELECT A REGION

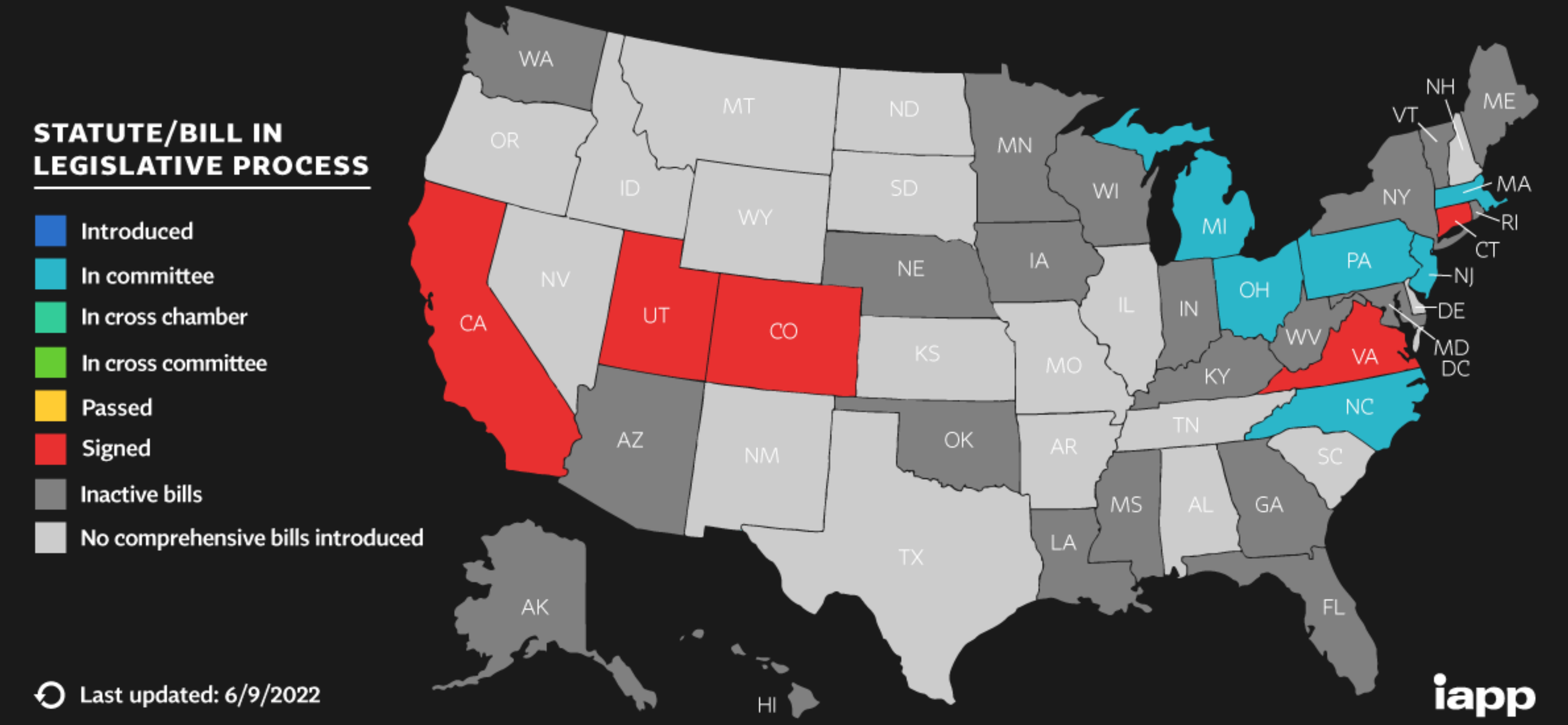
DOWNLO

Data Protection and Privacy Legislation Worldwide



Source: UNCTAD, 14/12/2021

US State Privacy Legislation Tracker 2022



Last updated: 6/9/2022

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American Data Privacy and Protection Act

- Comprehensive federal law to preempt most state laws
- Broad privacy right of action for individual and class action lawsuit
- Executive-level representation for privacy and data security (CPO/CISO)
- SOX-style executive certification of compliance
- Public disclosure and impact assessments of personal data algorithms
- Anti-discrimination clauses and provisions for nonconsensual sexual images
- Ban of “dark patterns” and targeted marketing to minors under 17
- Public transparancy of data processing and third party data disclosures
- Expanded definitions of sensitive data

Follow

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Head of Privacy Eng and CISO @Twitter. Privacy eng, security, crypto & build respect. they/them

California, USA Joined April 2017

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Questions?

Resources

- International Association of Privacy Professionals (IAPP)
- USENIX Privacy Engineering Practice and Respect (PEPR) conference
- NIST Privacy Framework Version 1.0
- The Privacy Engineer’s Manifesto, Michelle Finneran Dennedy et al.
- Privacy Program Management (IAPP CIPM study guide), Russell R. Densmore
- https://unctad.org/page/data-protection-and-privacy-legislation-worldwide

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