Data Mapping under the GDPR and Beyond

In the past years, we have witnessed an exponential increase in the amounts of data that organisations of all sizes and natures collect and process. Personal data has been heralded as "the new gold" and using personal data smartly will most certainly boost business profitability.

However, using data smartly is easier said than done. A strategic approach which takes into account the operational needs, capacities and goals of an organisation on the one hand and the applicable legal and regulatory privacy requirements on the other hand is required. This, in turn, requires organisations to understand their data flows, i.e., what categories of data are held, who "owns" the data and who gets access to it, and to which recipients are data disclosed. As a rule of thumb, at any given time, controllers should be able to identify the 5 W's (Who/Where/What/When/Why) of personal data under their control. However, in reality, organisations are often not (or, at least, not sufficiently) aware of exactly what data they collect and for what purposes, who has access to that data, where that data is being held and for how long. This is where Data Mapping comes into play.

1. **Key Takeaways**

   (a) Data Mapping is an **essential prerequisite for any privacy compliance strategy**.

   (b) **Data Mapping will help organisations comply** with various GDPR obligations and/ or other applicable privacy laws and regulations.

   (c) A Data Map can be a **valuable business asset** beyond privacy compliance as it can deliver various operational benefits, such as improved efficiencies of business processes and IT systems and smarter use of data.

   (d) Data Mapping requires a **structured and planned approach** involving various steps and, ideally, the use of specialised software.

2. **What is Data Mapping?**

   Data Mapping is the process of identifying, understanding and mapping out the data flows of an organisation. A good Data Map (also referred to as a "Data Inventory") will provide a comprehensive overview of the data flows within, to and from an organisation.

   For example, a Data Map will illustrate:

   - the various categories of data held and processed by individual business units; and

   - data transfers and disclosures between different business units and to third parties, such as service providers.

   In general, data mapping requires comprehensive information gathering from all business units globally, and visualisation of the information gathered. The information gathering process should not be a stagnant exercise, rather it should be a dynamic consultation with the objective of gaining a comprehensive understanding of various business functions and activities in order to produce a meaningful and truthful Data Map.

3. What does a Data Map look like?

A data map usually comes in the form of a diagram, for example:
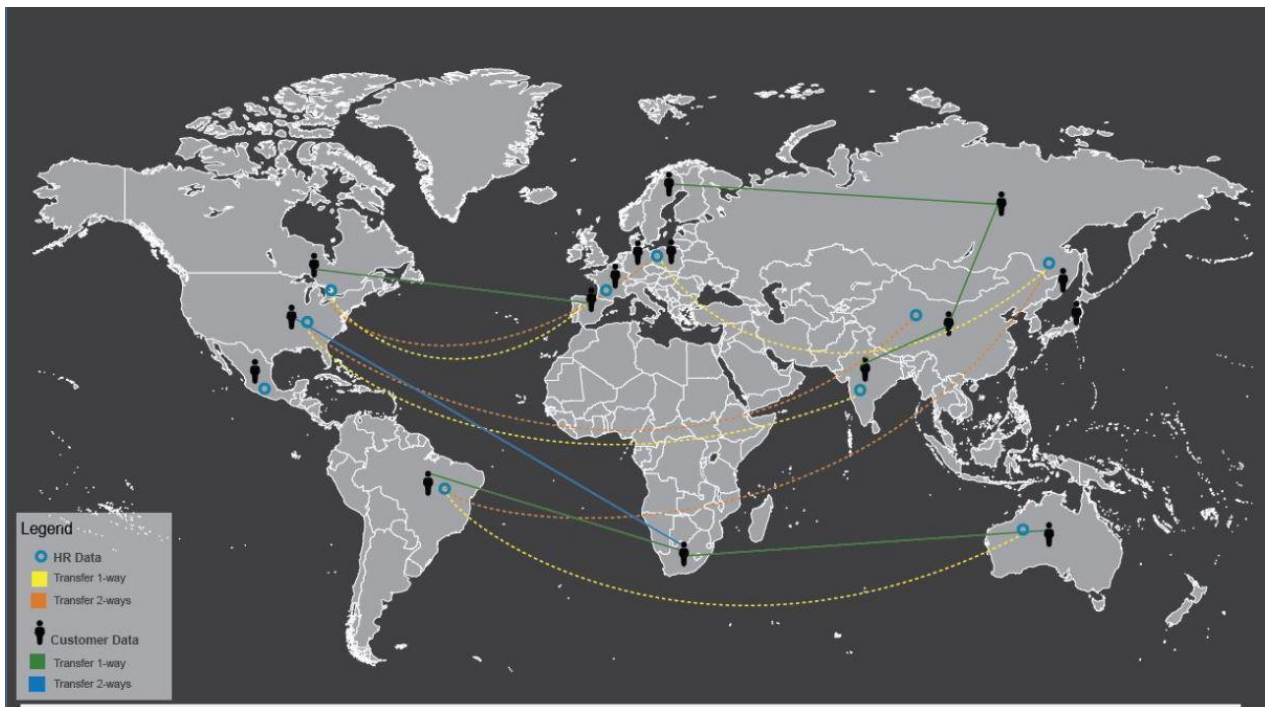
4. Why is Data Mapping essential from a privacy compliance perspective?

Understanding one's data flows is an essential prerequisite for any privacy compliance strategy. Without understanding what data you collect and process and where that data flows to and from, it is impossible to ensure your data processing activities are compliant with applicable privacy laws and regulations.

For example, it would not be possible to ensure compliance with cross-border data transfer rules without knowing which types of data you disclose to which recipients in which countries. Or, how can you adequately secure your data, if you don't know exactly what data you hold and who has access to it?

From a GDPR perspective, Data Mapping will assist controllers (and, in some instances, processors) to become compliant with various new privacy requirements as they apply to them, including:

- the requirement to maintain detailed records of an organisation's data processing activities and to make these records available to supervisory authorities on request;

- the accountability requirement according to which controllers must ensure and be able to demonstrate that their processing activities are performed in compliance with the GDPR; and

- the data protection by design and by default requirements.

Data Mapping will also assist organisations assess the risks of their data processing activities for the rights and freedoms of individuals. Given the risk-based approach advocated by the GDPR, Data Mapping will be an important tool when assessing whether or to what extent GDPR obligations will apply.

5. What are the additional benefits of data mapping?

In addition to ensuring compliance with legal and regulatory requirements, Data Mapping has multiple other operational benefits. Data Mapping can help organisations in the following ways:

- improve the efficiencies of business processes and IT systems (e.g., a Data Map might reveal that data flows can be streamlined);

- use data in smarter ways (e.g., a Data Map may reveal that more data sharing within an organisation might be appropriate - subject to suitable privacy controls and limitations);

- mitigate risks of data breaches (and hence reputational and financial loss);

- respond to discovery requests and reduce related costs; and

- comply with record retention requirements (while staying GDPR compliant).

6. Your Data Mapping Game Plan

Given the vast amounts of data being collected and processed by organisations these days, creating a comprehensive Data Map can be a daunting task. The best way to tackle this task would be a structured and planned approach including the following steps:

(a) **Appointing a person/ team responsible for creating and maintaining the Data Map.** Ideally, this team would comprise individuals from various business units involved in data processing activities. Alternatively, those individuals should at least assist, and report to, the Data Mapping team.

(b) **Defining a Project Plan.** The Data Mapping team should create a Project Plan which outlines the project scope and level of detail as well as the necessary activities, timelines and responsibilities. For example, the team might decide that only an organisation's most significant or high-risk data processing activities are in-scope as a more comprehensive Data Map which also captures less important data flows might be too costly and difficult to create.

(c) **Gathering relevant information.** The best way to gather the relevant information will depend on an organisation's business structures and processes in place. But it will most likely require the Data Mapping team to interview and survey individuals involved in the in-scope data processing activities, review IT processes and consult potentially existing (partial) Data Maps and other documents.

(d) **Preparing the Data Map based on the gathered information.** Now would also be the time to address any inefficiencies and gaps in data flows that the Data Map might reveal.

(e) **Maintaining and updating the Data Map.** Once prepared, the Data Map needs to be regularly updated in order to stay relevant. Ideally, this would be done by automated means as any manual process would be very labour-intensive and would most certainly lead to inaccuracies.

Our new cloud-based legal compliance service called iG360 contains a special Data Mapping feature which will assist you to create and maintain real-time Data Maps. This in turn will help meet compliance with the GDPR and other laws and regulations applicable to your data processing activities while also delivering operational benefits.
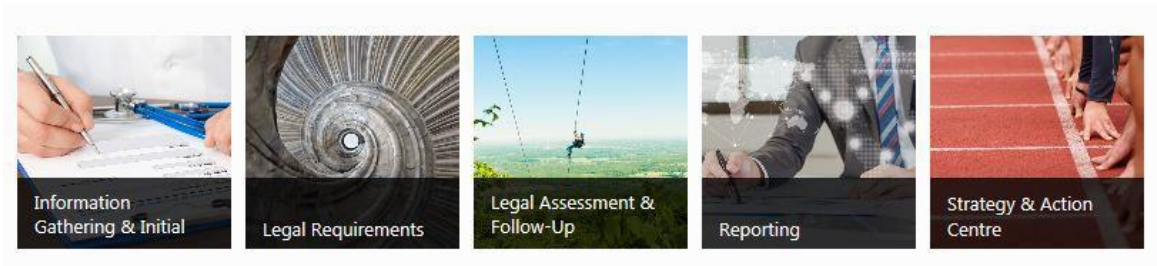
iG360 allows an interactive data mapping process where you can see "mapping in the making". We follow a four-part methodology to ensure the Data Map not only clearly visualises all personal data in the organisation's control, but the Data Map also provides insight into how each data flow may or may not be safeguarded according to local legal requirements. The Data Map will help you and your organisation identify the necessary immediate actions in order to safeguard any data flow that may be otherwise not adequately protected.

Figure iG360 Data Mapping Methodology

* * * * *
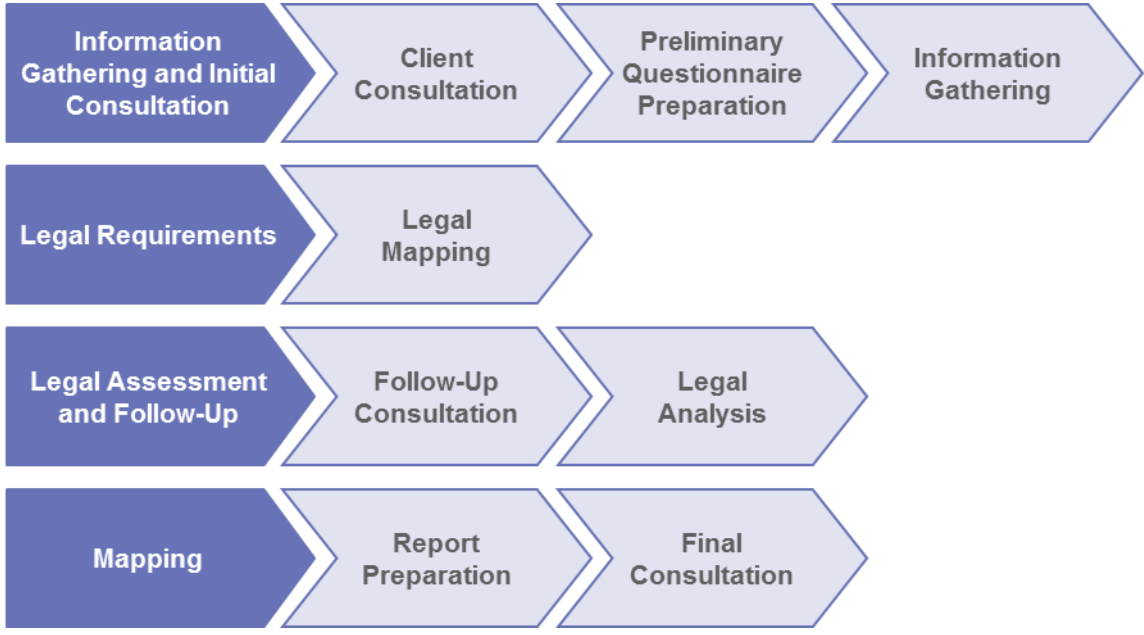
Please contact your usual Baker & McKenzie contact for assistance in creating a Data Map for your organisation or for getting further information on Data Mapping.