

## THE GDPR DEADLINE IS ALMOST HERE HOW READY ARE YOU?

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### Introduction

Thank you for taking part in IDC's GDPR readiness assessment survey. This study enables you to quickly assess your organisation's readiness, based on IDC's in-depth understanding of the GDPR requirement and the roadmap to compliance. Although the requirements of GDPR are many and various, there are some primary indicators that reveal the state of readiness in organizations, and it is these indicators that we use to determine readiness. This report provides you with essential guidance in the development of your security strategy, and includes recommendations on how to progress your organisation toward a compliant and sustainable position in preparation for May 2018.

### What GDPR means for your organisation

The EU General Data Protection Regulation (GDPR) is now in force with a transition period until 25th May 2018. IDC research shows that many organisations still appear to have little or no understanding of the regulation, its scope, timeline or impact, despite the risk of huge penalties of up to 4% of global turnover, as well as potential lawsuits, suspension of personal data processing and damage to reputation. Others are more advanced, but are struggling to prioritise activities until May 2018, and to understand how to operationalise compliance after the deadline.

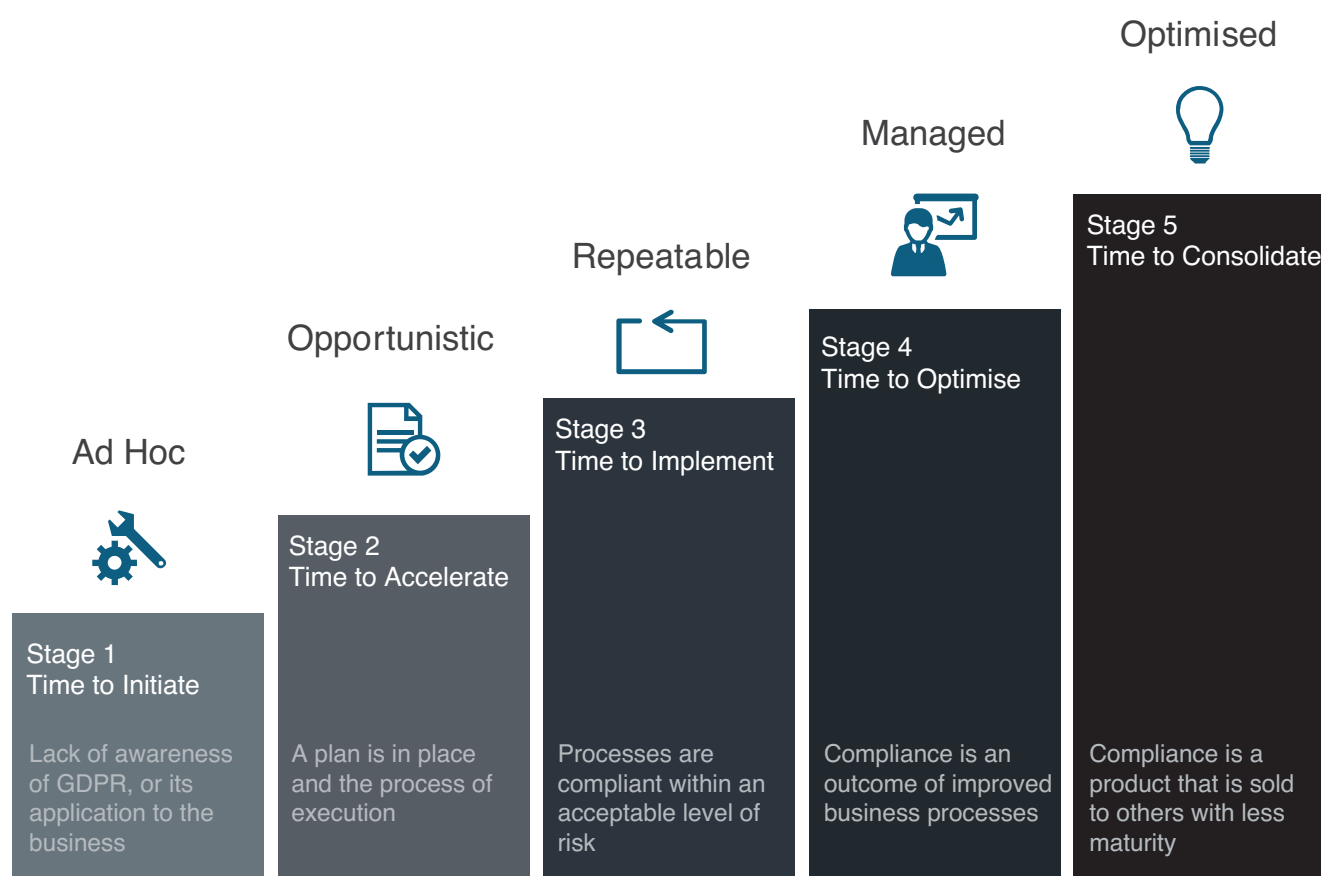
GDPR compliance is required by any organization – regardless of their location – that processes the personal data of "data subjects" (the natural person to which the data relates) in the EU. Processing of personal data refers to what can be done with data i.e. data activities such as: requesting, collecting, storing, searching, forwarding, deleting etc. The definition of processing is very broad: it is best to think of any action that 'touches' personal data as being in scope. GDPR also mandates the consideration of personal data at the time of the inception of a business process or product design, under the requirement for Data Protection by Design and by Default. This embeds data protection in the heart of an organization's innovation process.

GDPR therefore changes the way in which organisation's do business. In many respects that is the point of GDPR. Arguably, GDPR – in principle – is little different from existing legislation. But the consequences of getting data protection wrong increase substantially, where sanctions are designed to be "dissuasive". That is, GDPR wants organisations to take data protection more seriously than they do at present.

Taking stock of where you are in your compliance programme is apt: at worst it confirms that you are on track with your planned compliance activities. But it may also act as a reality check, both against your aspiration and against your peers. Use this assessment tool while you still have time: the clock is ticking and the requirements are wide reaching. Good luck.

## Your overall GDPR Readiness Assessment Result

IDC sees five stages to GDPR readiness, with organizations just starting out at Stage 1, and those that are achieving compliance at Stage 5. Based on your answers to this assessment, your organization is at **Stage 2: Time to Accelerate**.



In addition, we have ranked you out of five stages in each of the following three individual areas of GDPR so that you can get a good idea of where you need to focus your attention most keenly. These areas are:

- Overall GDPR Approach, Aspiration & Leadership
- Data Awareness
- Risk Awareness, Assessment & Mitigation



## Overall GDPR Approach, Aspiration & Leadership

GDPR is more than just about IT security – it involves how the business approaches the concept and culture of data privacy. In order to achieve success, you will need to have the buy in and support of the business, from top management down to individual business units. Fostering a culture of joint responsibility is key to achieving long term sustainable compliance.

## STAGE 1: Time to Initiate

You have a lot of work to do. organizations that fall into this category of initial readiness have limited or no insight into the requirements (and more importantly) the implications of GDPR on their business. Leadership does not have any real understanding of what GDPR covers and how it is to be implemented. In addition, there is no real understanding of legal obligations and accountability, or the extent of the fines and other sanctions if the business fails to comply by May next year.

By your own admission, you are just starting out on your GDPR journey. GDPR affects almost all companies that process personal data. Realise that the definition of personal data is very broad, and includes any data that relates to an identifiable person. At its most basic, it includes employee data and data relating to sales orders. Most organizations will have this type of data. So the chances are, you are impacted by GDPR.

Ignoring GDPR will not make it go away, and importantly there are substantial sanctions in place to encourage compliance. Much has been said about the substantial fines, but sanctions also include class action lawsuit and suspension of personal data processing (which may mean, effectively, suspension of trading).

Your readiness is boosted by the beginnings of a cross functional compliance task force or governance board that spans multiple stakeholders in your organization. The engagement of all relevant stakeholders is a critical success factor in any GDPR program, and the existence of such a coordinated approach significantly increases the ultimate success of any compliance activity. The other major critical success factor to consider now is the leadership of the GDPR program. It matters less where this leadership stems from, and more that the leader has the authority, knowledge and charisma to lead a strategically important program of activities.



## Data Awareness

Information governance is the underlying discipline that enables compliance with GDPR. Bringing all personal data into the scope of your information governance function is mandatory. You need to know what personal data you have (accounting for the very broad definition used by GDPR), and also its location, consent, lifetime, and so on. Demonstrating to regulator that you have a good handle on personal data is the first step in compliance.

### STAGE 4: Time to Optimise

You are in the advanced stages of information governance and you have high confidence that you like you can locate all instances of personal data in your organization. You also have a good understanding of both structured and unstructured data, and are likely to be able to service the new rights of access, rectification, erasure and portability.

At least you are honest about your inability to identify and locate all instances of personal data within your organization. This is a pre-requisite to GDPR compliance: you cannot demonstrate compliance if you do not know what data you have or its location. Given the short amount of time until May 2018, you need to prioritise the data that you are aware of and that is either important to you or that represents the greatest risk to your organization.

You are very data aware. Good: a prerequisite for GDPR compliance is knowing what data you have, where it is, and why you have it. You need this in order to compile a record of data processing, mandated under Article 30. You will also avoid a breach of the principles of purpose limitation, data minimisation and storage limitation.

What now? Focus on the gaps in your knowledge of data and its location. Understanding the reasons why you have the data (purpose limitation) is also important, and you need to understand where different regulations apply to different classes of data (such as special categories and data relating to children).

Above all, remember that regulators will tolerate breaches and minor non-compliances. But they will not tolerate a lack of evidenced effort. It is insufficient to be data aware: you must be able to demonstrate data awareness.



## Risk Awareness, Assessment & Mitigation

GDPR is all about risk. It is not prescriptive in most of its requirements, meaning that organizations must make decisions about which approaches to take. What is the balance between gathering data for analytics and the increased exposure from data minimisation and purpose limitation? What the heck is 'State of the Art' and how do I know if I need it?

Risk awareness starts with self-awareness: what data do I have and how do the new regulations affect how I should treat this data?

### STAGE 1: Time to Initiate

It seems that you are at the initial stages of risk awareness. You appear to be engaged in asking the right kinds of questions, but they are foundational. You are challenged by some basic requirements, and seem less concerned about GDPR than would otherwise be expected with a full knowledge of the regulations. Your struggle to gather budget and resources reflects a low level of awareness, particularly at board level.

Your response shows that you are actively trying to square your cloud usage with GDPR requirements. Good: GDPR places new obligations on data processors, which includes all cloud services. You seem especially concerned at the international data transfer rules. In fact, there is little change to the existing rules that allow data transfers, as long as there is adequate protection in place. Remember that it is perfectly possible to be compliant with GDPR while using cloud services. Cloud service providers are aware of their obligations, and many are offering GDPR-ready contracts.

You appear to be quite comfortable with GDPR and have not expressed a high level of concern. Given you are closer to the start of GDPR compliance than the end, have you under-estimated the potential consequences of non-compliance? It will be worth revisiting the risks associated with security breaches under GDPR. It's not all about fines: class action law suits may be initiated by third parties beyond your control of that of the regulator. The regulator itself can order a suspension of data processing, effectively limiting your ability to trade. Overall, GDPR represents a significant increase in the level of business risk related to personal data processing. Make sure your risk assessment function reflects this heightened exposure.