

Data Privacy Survival Guide

Building a Roadmap for Success

exterro®



Speakers:



Rebecca Perry, CIPP/US/G
Director of Strategic Partnerships
Exterro



Colman McCarthy, CIPP/US
Attorney
Shook Hardy Bacon



Ron Hoffman, CIPP/US
Privacy Risk Consultant
Mutual of Omaha Insurance Company

Agenda

Data
Privacy
Landscape

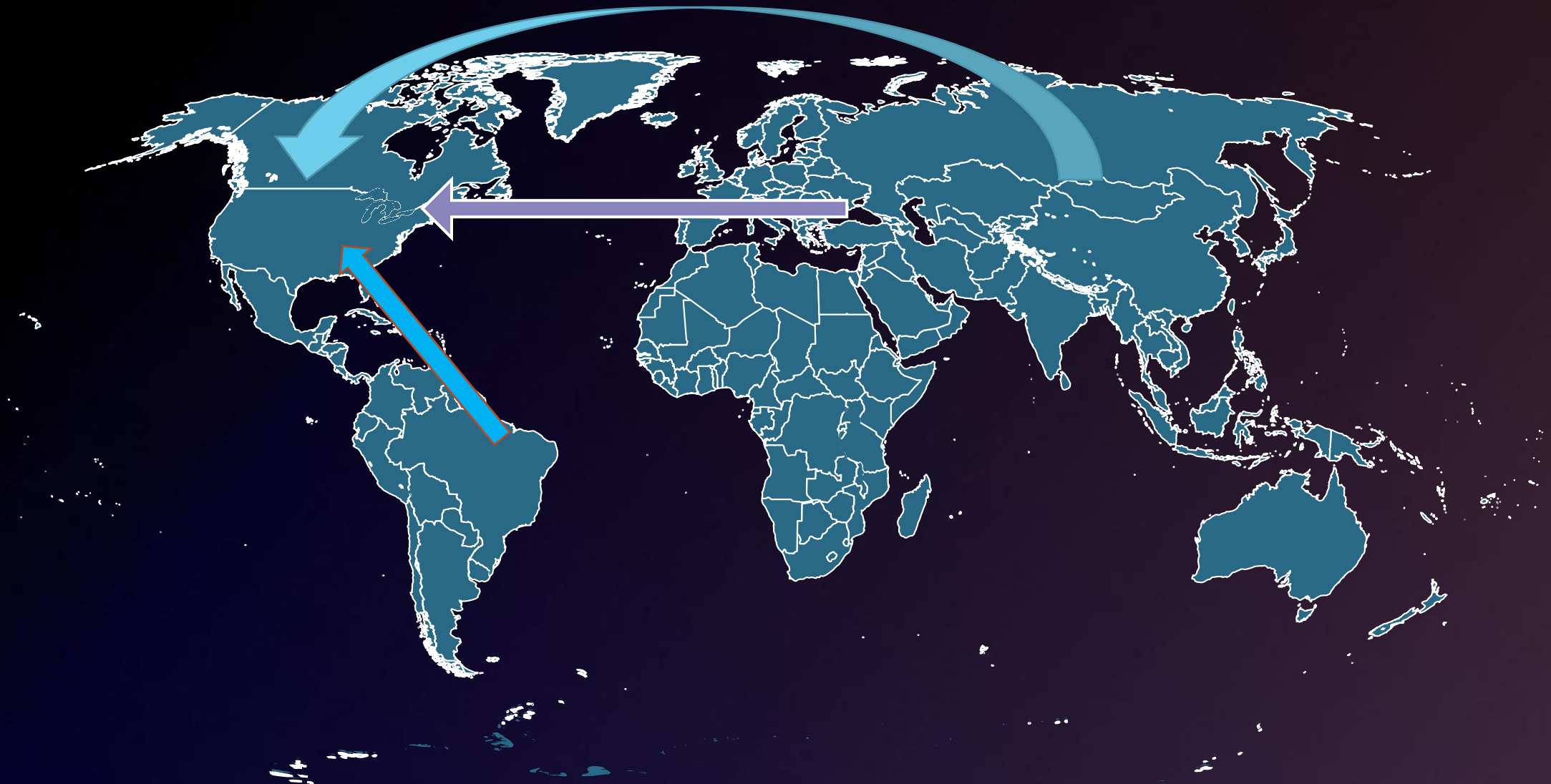
7 Building
Blocks for
Success



NEW REGULATORY CLIMATE IN THE UNITED STATES



Migrating from Abroad to the US



Pioneering US Privacy Laws

A New Era of Data Privacy Rights

1. Right to Know Data Collected & Purpose
2. Right to Access Data
3. Right to Delete Data
4. Right to Know Third Parties
5. Right to Opt-Out of Sale
6. Right to Equal Treatment



CCPA 2.0?

CALIFORNIANS FOR CONSUMER PRIVACY

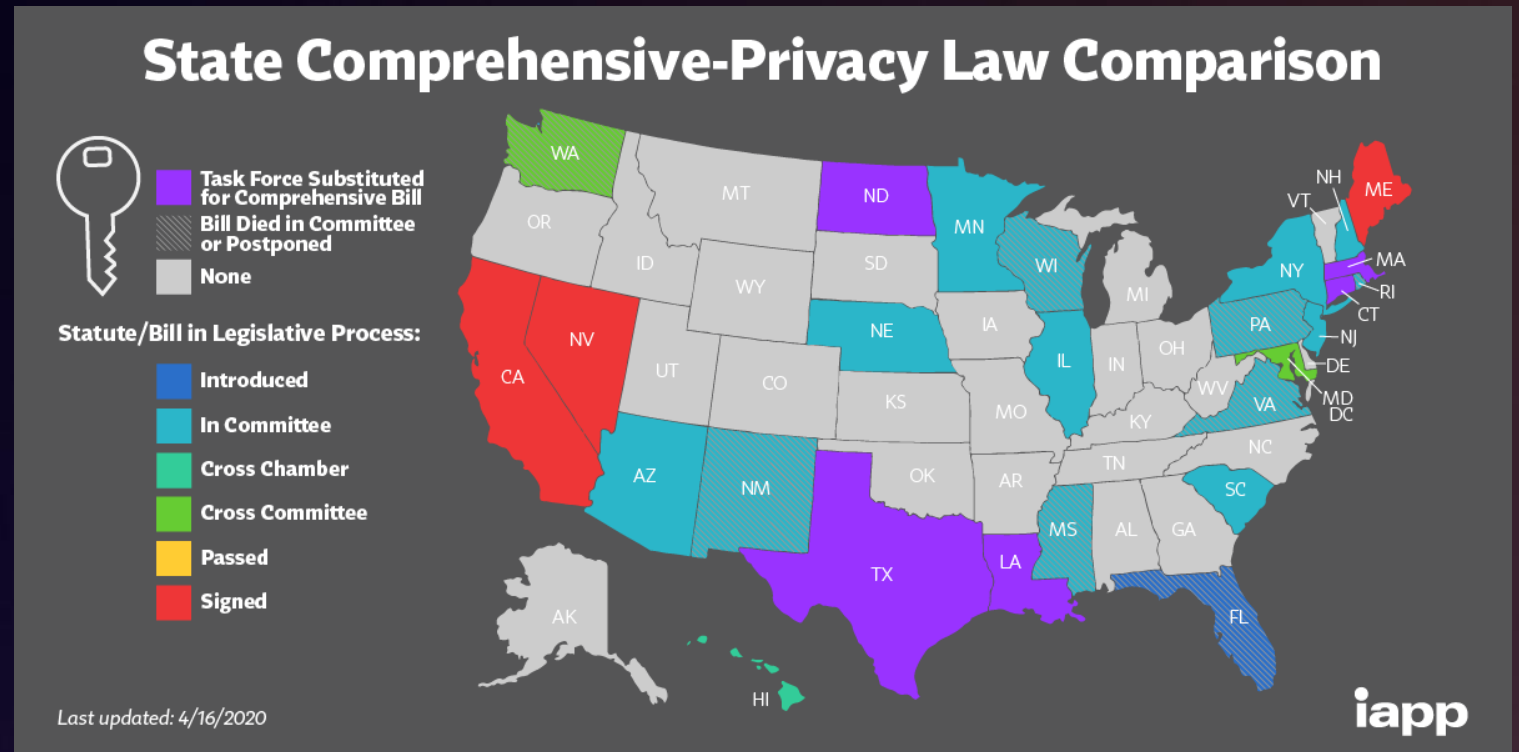
Data Privacy Law Comparison

Components	GDPR (EU Law)	CCPA	CPRA	Components	GDPR (EU Law)	CCPA	CPRA
Right to Know What Information a Business has Collected About You				Storage Limitation: Right to Prevent Companies from Storing Info Longer than Necessary			
Right to Say No to Sale of Your Info				Data Minimization: Right to Prevent Companies from Collecting More Info than Necessary			
Right to Delete Your Information				Right to Opt Out of Advertisers Using Precise Geolocation (< than 1/3 mile)			
Data Security: Businesses Required to Keep Your Info Safe				Ability to Override Privacy in Emergencies (Threat of Injury/ Death to a Consumer)			
Data Portability: Right to Access Your Information in Portable Format				Provides Transparency around "Profiling" and "Automated Decision Making"			
Special Protection for Minors				Establishes Dedicated Data Protection Agency to Protect Consumers			
Requires Easy "Do Not Sell My Info" Button for Consumers				Restrictions on Onward Transfer to Protect Your Personal Information			
Provides Ability to Browse with No Pop-ups or Sale of Your Information				Requires High Risk Data Processors to Perform Regular Cybersecurity Audits			
Penalties if Email Plus Password Stolen due to Negligence				Requires High Risk Data Processors to Perform Regular Risk Assessments			
Right to Restrict Use of Your Sensitive Personal Information				Appoints Chief Auditor with Power to Audit Businesses' Data Practices			
Right to Correct Your Data				Protects California Privacy Law from being Weakened in Legislature	N/A		



What's to come?

STATE COMPREHENSIVE PRIVACY LAW COMPARISON



A ROADMAP FOR SUCCESS:

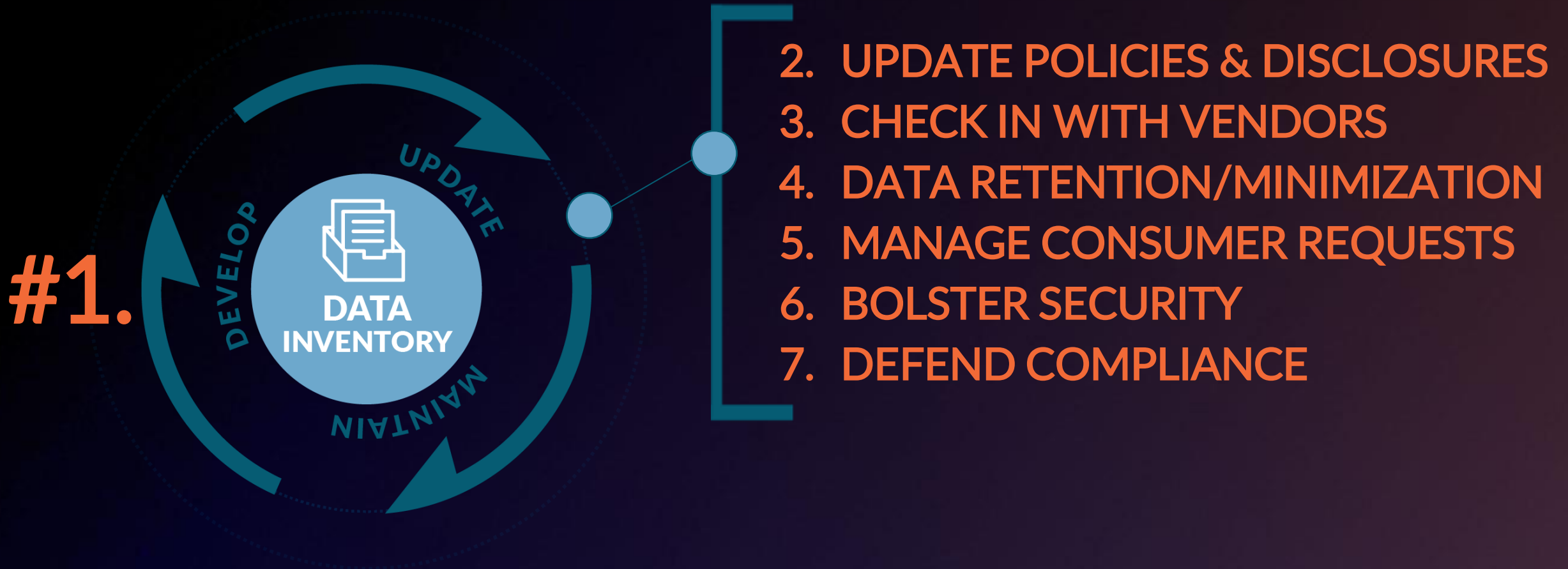
#1 Know Your Data

The Foundation for Compliance



DATA SUBJECTS	 Customers Current Employees Past Employees Job Candidates Minors/Children Beneficiaries Contractors
APPLICABILITY	              
DATA ELEMENTS	Social Security Number Drivers' License Number Account Number Credit Card # Biometric Religion Political Affiliations Aptitudes Preferences Attitudes
COLLECTION	 Web Form  Email  Paper Form  Phone
DEPARTMENTS	HR - Benefits Finance - Payroll HR - Recruiting Legal & Compliance Marketing
APPLICATIONS	    
LOCATIONS	     
THIRD PARTIES	    
RETENTION	Payroll Records Personnel Records Recruiting Records      AUT 7 Years BEL 5 Years NLD 5 Years ITA 5 Years USA 7 Years

Informs Compliance & Surfaces Risks



A ROADMAP FOR SUCCESS:

#2

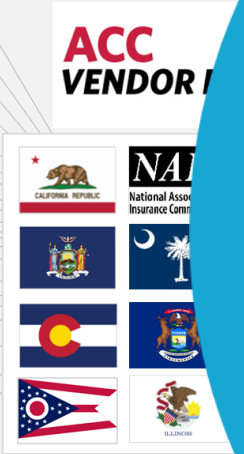
Update Policies & Disclosures

A ROADMAP FOR SUCCESS:

#3 Check-in with Vendors

- 1 Who are our vendors?
- 2 Which ones touch our data?
- 3 What specific data do they touch?
- 4 Which ones are relevant to regulations?
- 5 How are they protecting our data?





ACTIVE EVENT

NIST CSF
NIST SP 800 171
COBIT
ISO 27000



- ✓ Identify Data Security Risks
- ✓ Demonstrate Compliance

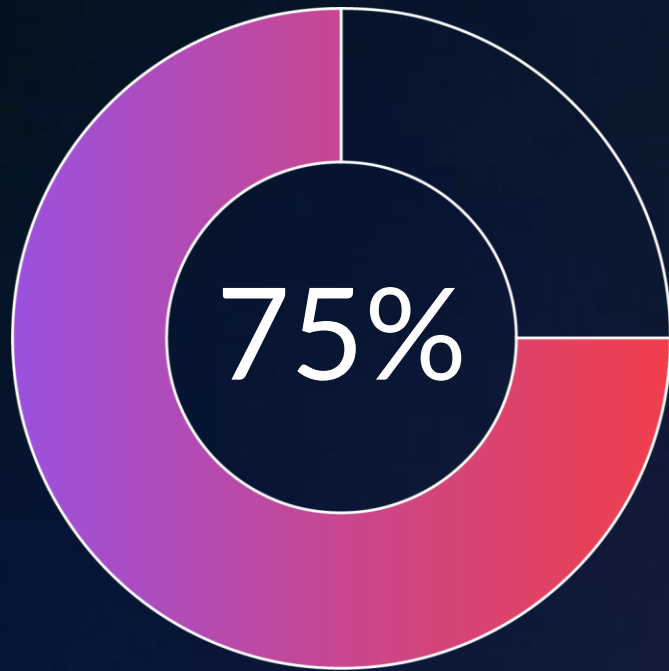
A ROADMAP
FOR SUCCESS:

#4

Data Retention &
Minimization

Over-Retention of Personal Data

Most companies vastly over-retain records and information, and an average of



of that information contains some form of PII

- Data you don't have can't be breached
- You don't have to protect data you don't have
- You don't have to spend time and money searching for data you don't have



Data Map | Personal Data Processing Activities

PROCESSING ACTIVITY: HR ONBOARDING

COUNTRY: UNITED STATES

Purpose of Processing

Associated Data Elements

Bio
G
Protected
Sensitive Pe
Personal Infor

Data Subjects

Types of Notice Provided

Consent Received from Subject

CONFIDENTIAL © 2020 Exterro, Inc. All rights reserved.

Data Map | Personal Data Processing Activities



PROCESSING ACTIVITY: HR ONBOARDING

COUNTRY: UNITED STATES

Movement, Access & Sharing

Third-Parties	ADP, Aviva, EEF, ELF, Insurer, Law Firms, Legal & General, MS, NADCAP (PRI), NQA (Iso Accreditor)
Transfer to Other Countries	United Kingdom, Germany, Brazil
Methods of Sharing	Email, Mail, Paper Documents, USB/Flash Drives, Website/Web Application
Corporate Applications	Adobe, ADP, Elf, Epicor, Excel, HSE, MS Office, MS Outlook, PDF

This processing activity is supported by the following record types:

<i>Record Types/Department</i>	<i>Reported Retention</i>	<i>Retention Requirements</i>
Benefit/Pension Plans Human Resources	Permanent	Permanent Corporate Standard
Personnel Files Human Resources	Permanent	7 Years State Payroll Requirements
Recruiting Records Distribution Center	Permanent	1 Year 29 CFR 1627.3(b)(1)
Employment Eligibility Verification Human Resources	Permanent	3 Years 8 USC 1324a

CONFIDENTIAL © 2020 Exterro, Inc. All rights reserved.

A Clear Path to Data Minimization

DEVELOP

- ✓ Retention Schedules
- ✓ Scheduling Logic
- ✓ Policies
- ✓ Deletion Strategies
- ✓ Hold Process

IMPLEMENT

- ✓ Program Training
- ✓ Policy Attestation
- ✓ Clean Up
 - Email
 - File Share
 - Structured Data
 - Paper Records

MAINTAIN

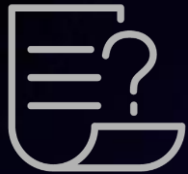
- ✓ Audit Trail
- ✓ Documentation
- ✓ Policies
- ✓ Program Monitoring
- ✓ Program Updates
- ✓ Annual Review



A ROADMAP
FOR SUCCESS:

#5
Manage Consumer
Requests

Key Challenges...



**NO DATA
INVENTORY**



NO WORKFLOW



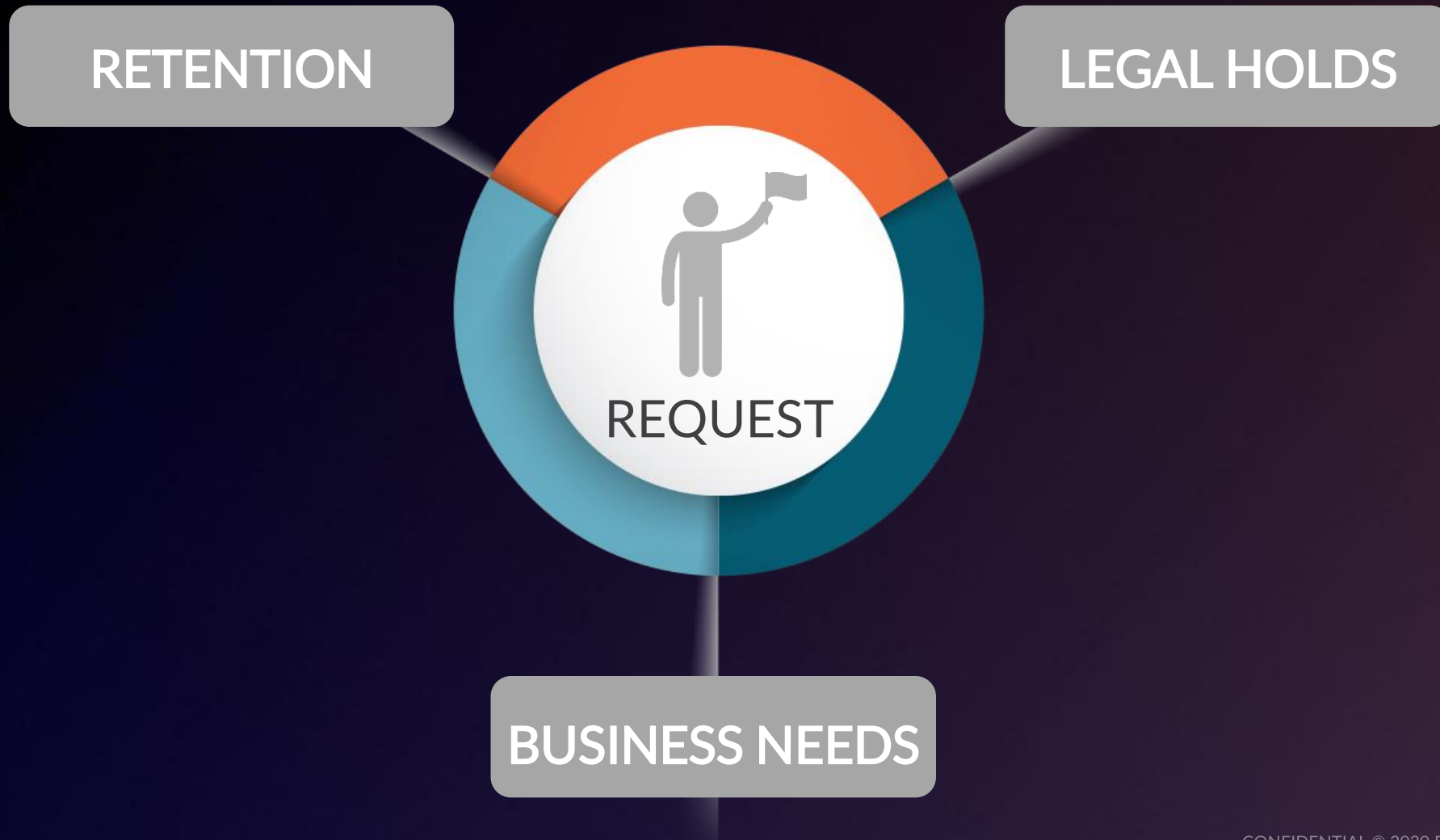
**MANUAL
COLLECTION**



**MANUAL REVIEW
& REDACTION**



Harmonization With Legal Hold & Retention Regulations





DSAR
WORKFLOW

Six Critical Capabilities

1. Gather & Manage Requests
2. Authenticate Individuals
3. Support Complex Workflows & Timelines
4. Automate Search & Collection
5. Automate Review & Redaction
6. Harmonize Legal Holds & Retention Regulations



A ROADMAP FOR SUCCESS:

#6 Bolster Your Security



Cybersecurity and Resiliency Observations

OFFICE OF COMPLIANCE INSPECTIONS AND EXAMINATIONS

The SEC's Most Detailed Cybersecurity Guidance to Date

Published 2/10/2020

A ROADMAP FOR SUCCESS:

#7 Defend Compliance

Executive Summary

When the prospect of large monetary settlements is on the table, no business sector is secure from plaintiffs' attorneys. In this pattern, there is a growing campaign by the plaintiffs' bar to target data privacy and security in the hopes of striking it rich in a new goldmine

Engineered Liability

The Plaintiffs' Bar's Campaign to Expand Data Privacy and Security Litigation



Questions...

For further information please contact:

Rebecca Perry

rebecca.perry@exterro.com

Colman McCarthy

CDMCCARTHY@shb.com

Ron Hoffman

Ron.Hoffman.Jr@mutualofomaha.com

exterro[®]