



Centre for Information Policy Leadership

— HUNTON ANDREWS KURTH —



The Privacy 'win-win' How Can Data Protection be a Differentiator for Businesses and Citizens in a Hyper-connected Age ?

Brussels, 18 February 2020

Opening Remarks

Bojana Bellamy, President, CIPL

- 16:00 – 16:10 **Opening Remarks**
Bojana Bellamy, President, CIPL
- 16:10 – 16:40 **Keynote by Didier Reynders, European Commissioner for Justice**
"Valuing Privacy in the Digital Transformation - Setting out the Commission's agenda"
- 16:40 – 17:00 **Presenting the Cisco Consumer Privacy Survey and Annual Data Privacy Benchmark Study**
Lorena Marciano, Director and EMEAR Privacy Officer
Chris Gow, Senior Director, EU Public Policy, Cisco
- 17:00 – 18:00 **Expert Panel**
Moderated by Alberto Di Felice – Senior Policy Manager, Digital Europe
David Stevens, Chairman of the Belgian Data Protection Authority
Caroline Louveaux, Chief Privacy Officer, Mastercard
Nathalie Laneret, Director of Privacy Policy, CIPL
- 18:00 – 19:00 **Reception**

CIPL Accountability Framework

Organisations must be able to demonstrate accountability – internally and externally

Accountability is not static, but dynamic, reiterative and a constant journey



Accountability requires comprehensive privacy programmes that translate legal requirements into risk-based, verifiable and enforceable corporate practices and controls

Company values and business ethics shape accountability

Accountability – Examples of Content of Privacy Management Programs

Leadership and Oversight

- Tone from the top
- Executive oversight
- Data privacy officer/office of oversight and reporting
- Data privacy governance
- Privacy engineers
- Internal/External Ethics Committees

Risk Assessment

- At program level
- At product or service level
- DPIA for high risk processing
- Risk register
- Risk to organizations
- Risk to individuals
- Records of processing

Policies and Procedures

- Internal privacy rules based on DP principles
- Information security
- Legal basis and fair processing
- Vendor/processor management
- Procedures for response to individual rights
- Other (e.g. Marketing rules, HR rules, M&A due diligence)
- Data transfers mechanisms
- Privacy by design
- Templates and tools for PIA
- Crisis management and incident response

Transparency

- Privacy policies and notices to individuals
- Innovative transparency – dashboards, integrated in products/apps, articulate value exchange and benefits, part of customer relationship
- Information portals
- Notification of data breaches

Training and Awareness

- Mandatory corporate training
- Ad hoc and functional training
- Awareness raising campaigns and communication strategy

Monitoring and Verification

- Documentation and evidence - consent, legitimate interest and other legal bases, notices, PIA, processing agreements, breach response
- Compliance monitoring and testing - verification, self-assessments and audits
- Seals and certifications

Response and Enforcement

- Individual requests and complaints-handling
- Breach reporting, response and rectification procedures
- Managing breach notifications to individuals and regulators
- Implementing response plans to address audit reports
- Internal enforcement of non-compliance subject to local laws
- Engagement/Co-operation with DPAs

Organizations must be able to **demonstrate their own implementation** - internally and externally



Benefits of Accountability

For Individuals, Organisations and DPAs



Individuals

- Effective protection and reduced risk/harm
- Empowered, able to exercise rights and complaints
- Trust/ready to benefit from and participate in digital society



Organisations

- Ensures data protection, sustainability and digital trust
- Mitigates legal, commercial and reputational risks
- Enables new business models, digitalisation and data-driven innovation



DPAs

- Reduces enforcement and oversight burden of DPAs
- Promotes constructive engagement with accountable organisations
- Encourages race to the top rather than race to the bottom

Select CIPL Members are mapping their Privacy Management Programmes to the CIPL Accountability Framework:

- To further promote accountability as **standard market practice**, that is law - and sector - agnostic.
- To build **global consensus and expectations** on accountability with regulators.
- To demonstrate that accountability is a **scalable framework** that works for all size/type of organisations.
- To provide **concrete and diverse evidence and success stories** from companies with mature privacy programmes that accountability is a demonstrable and enforceable framework.

Project Timeline:

- Start: May 2019
- During 2019: interviews and doc review
- Final Report: Estimated Q1 2020
- Socializing Report with DPAs 2020

CIPL Papers on Accountability in Data Protection



Organizational Accountability in Light of FTC Consent Orders

13 November 2019

<https://bit.ly/3a8PuQ7>



CIPL Q&A on Accountability

3 July 2019

<https://bit.ly/33JedYb>



Accountability's existence in US Regulatory Compliance and its Relevance for a US Federal Privacy Law

3 July 2019

<https://bit.ly/2H93vAH>



Introduction: The Central Role of Organizational Accountability in Data Protection

23 July 2018

<https://bit.ly/2sWkkqQ>



The Case for Accountability: How it Enables Effective Data Protection and Trust in the Digital Society

23 July 2018

<https://bit.ly/2BaQOSY>



Incentivising Accountability: How Data Protection Authorities and Law Makers Can Encourage Accountability

23 July 2018

<https://bit.ly/2GbGPjx>

Keynote by Didier Reynders, European Commissioner for Justice

*Valuing Privacy in the Digital Transformation
Setting out the Commission's agenda*

Presenting the Cisco Consumer Privacy Survey and Annual Data Privacy Benchmark Study

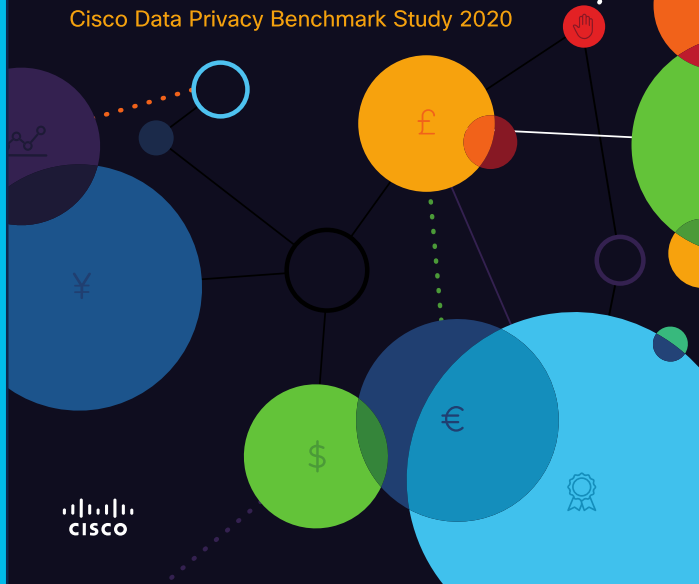
Lorena Marciano, Director and EMEAR Privacy Officer
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Expert Panel

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From Privacy to Profit: Achieving Positive Returns on Privacy Investments

Cisco Data Privacy Benchmark Study 2020



ROI on Privacy Investments



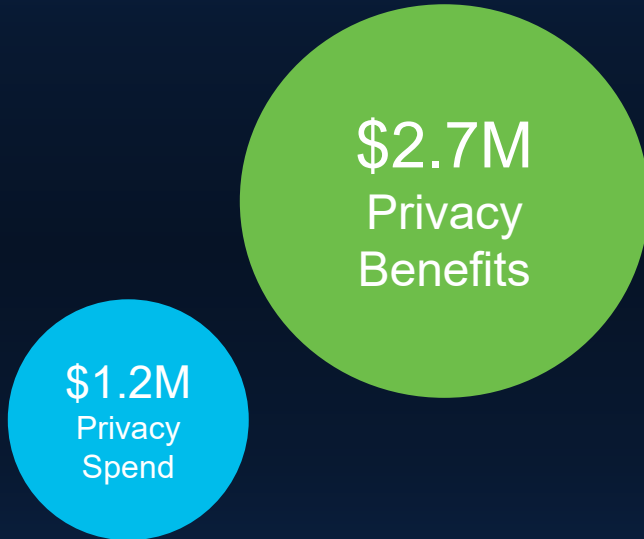
Business Benefits of Investing in Privacy



Relevance of Privacy Certifications

Attractive Return on Privacy Investment

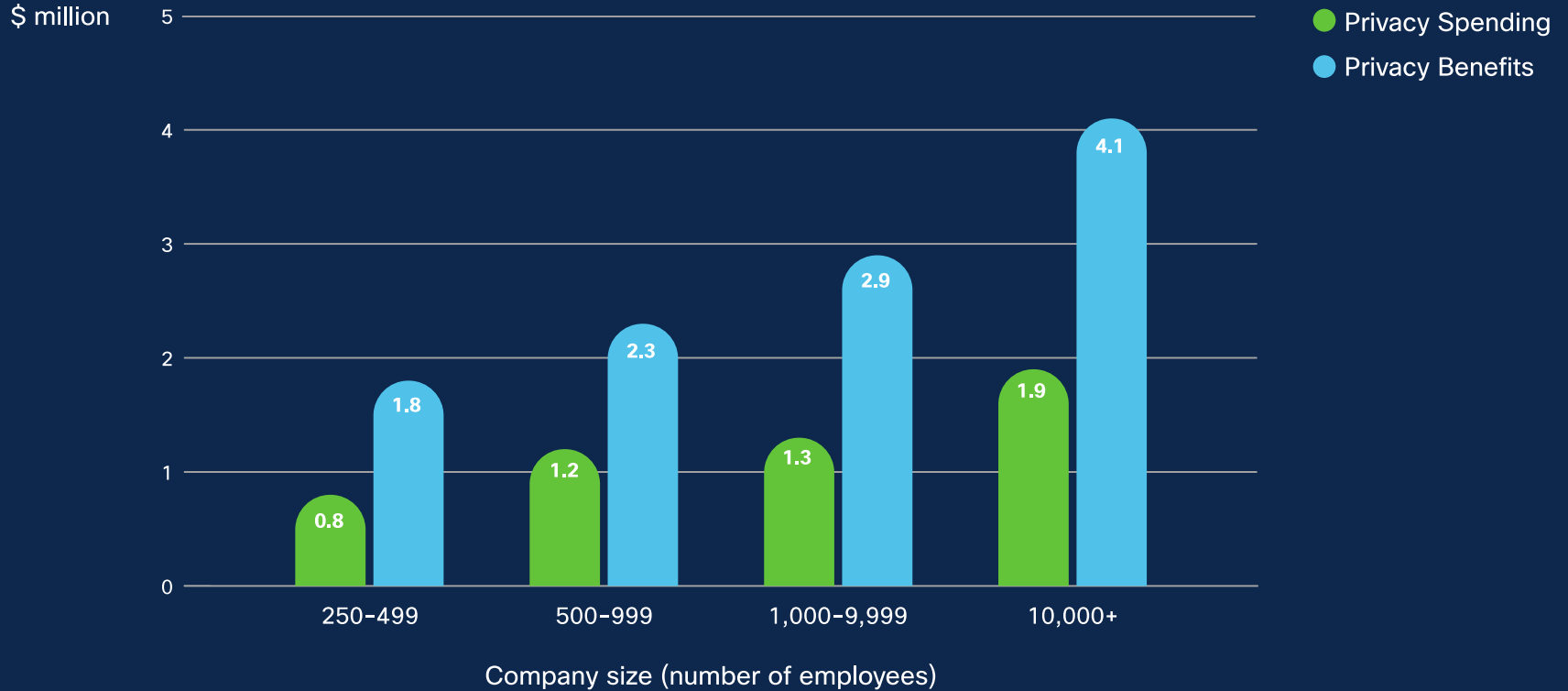
Average Organization



Privacy Benefits Compared to Investments (% of Organizations)



Privacy benefits exceed spending for all company sizes



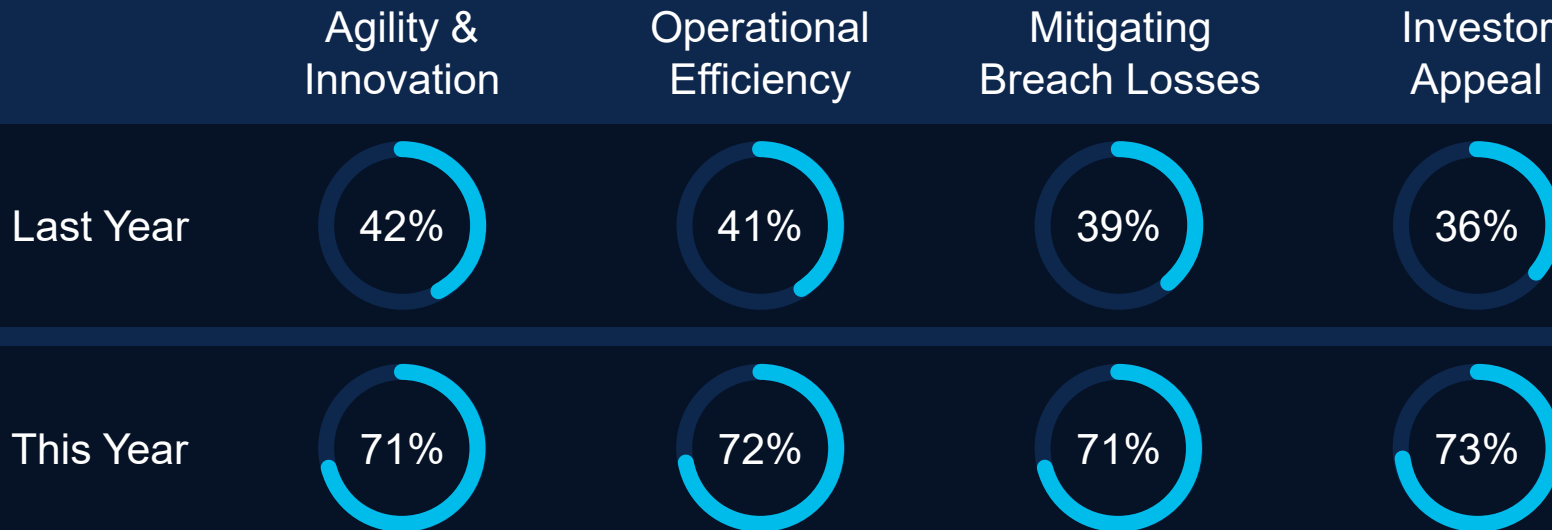
Average privacy returns, by country



Global average = 2.7

Business impact of privacy

Percentage of companies getting significant benefits from each area



Value of Accountability

CIPL Accountability Wheel

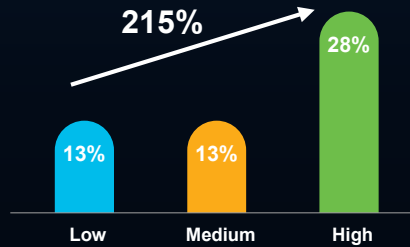


Distribution of Organizations

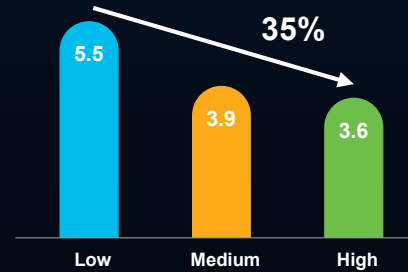


Value of accountability

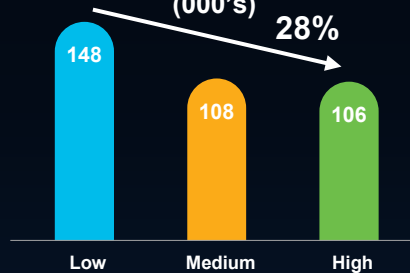
Probability of Being Breach-free



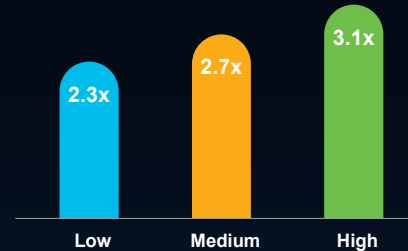
Average Sales Delay (weeks)



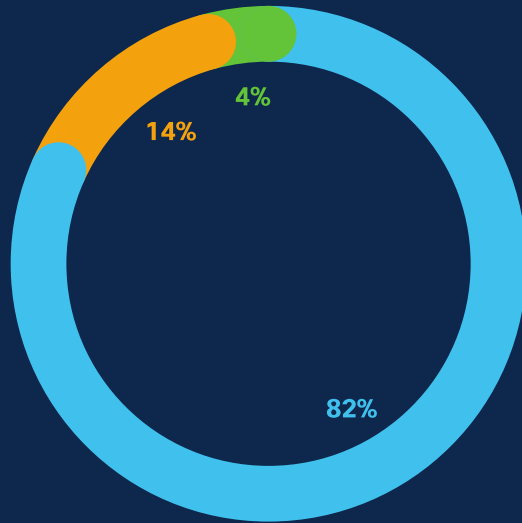
Probability Records Impacted (000's)



Privacy Returns



Privacy certifications as a buying factor



● Yes ● No ● Don't know

- ISO 27701
- EU/Swiss-U.S. Privacy Shield
- APEC Cross-Border Privacy Rules
- EU Binding Corporate Rules



Consumer Privacy Survey

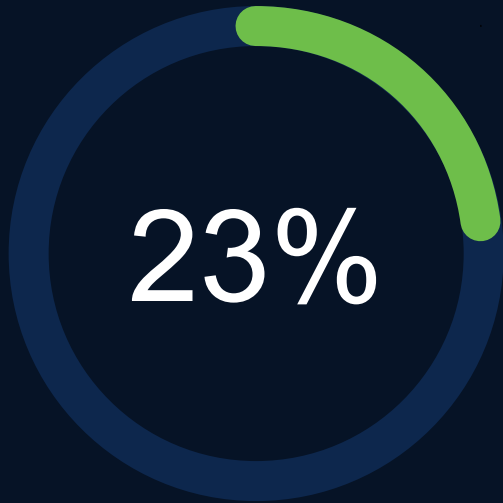
The growing imperative of getting data privacy right



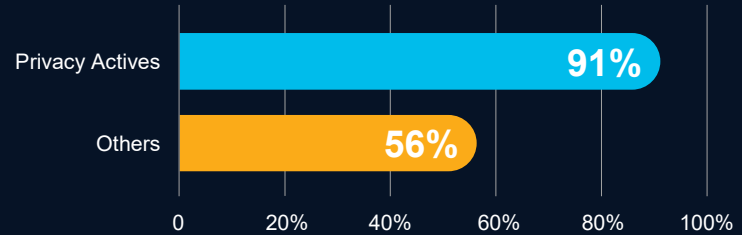
- Privacy Actives segment
- Attitudes about GDPR and privacy regulation
- Ongoing Challenges for Consumers

The “Privacy Actives” segment (EU)

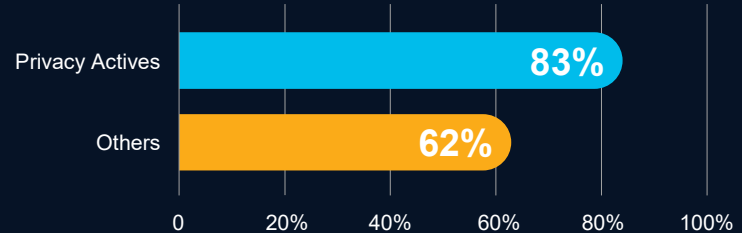
I care, I’m willing to act, and I’ve changed providers or companies over data privacy policies / practices



Won't buy if don't trust how data is used

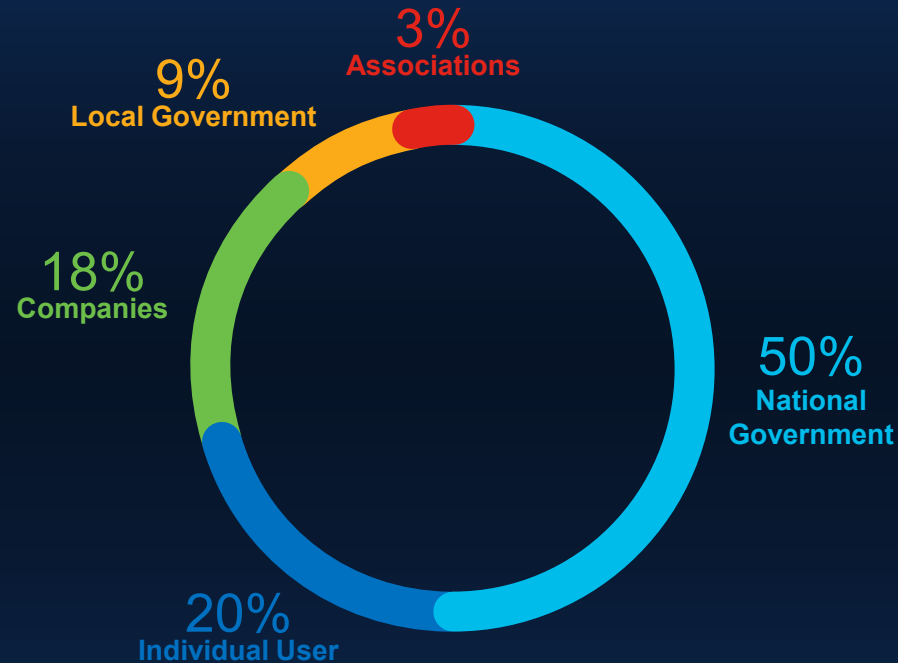


How they treat data is how they treat me



Who should be responsible (EU):

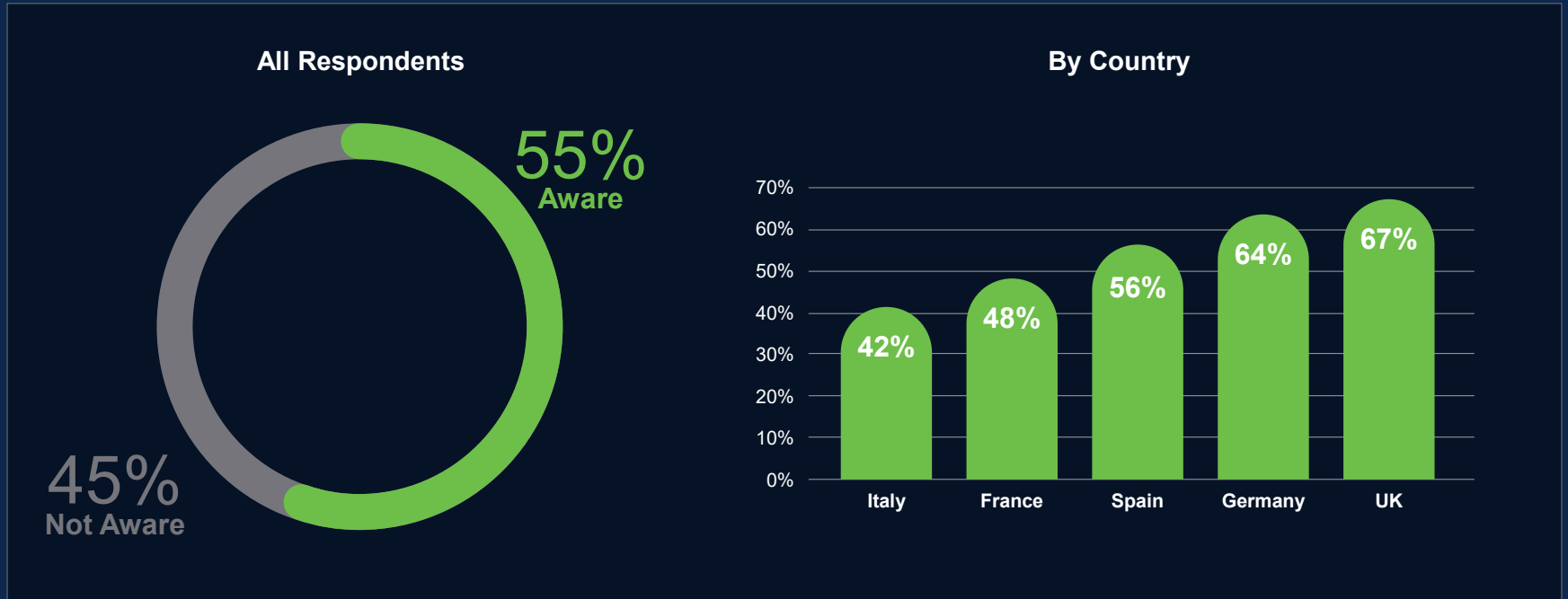
Who should be primarily responsible for protecting data privacy?



GDPR Awareness (EU)

Awareness of GDPR

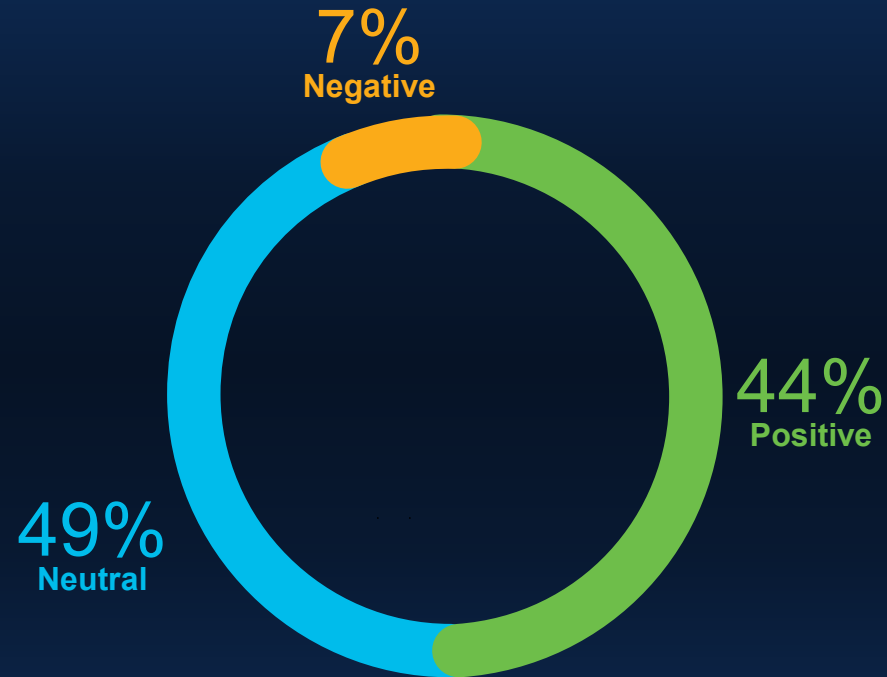
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Source: Cisco Consumer Privacy Study – 2019

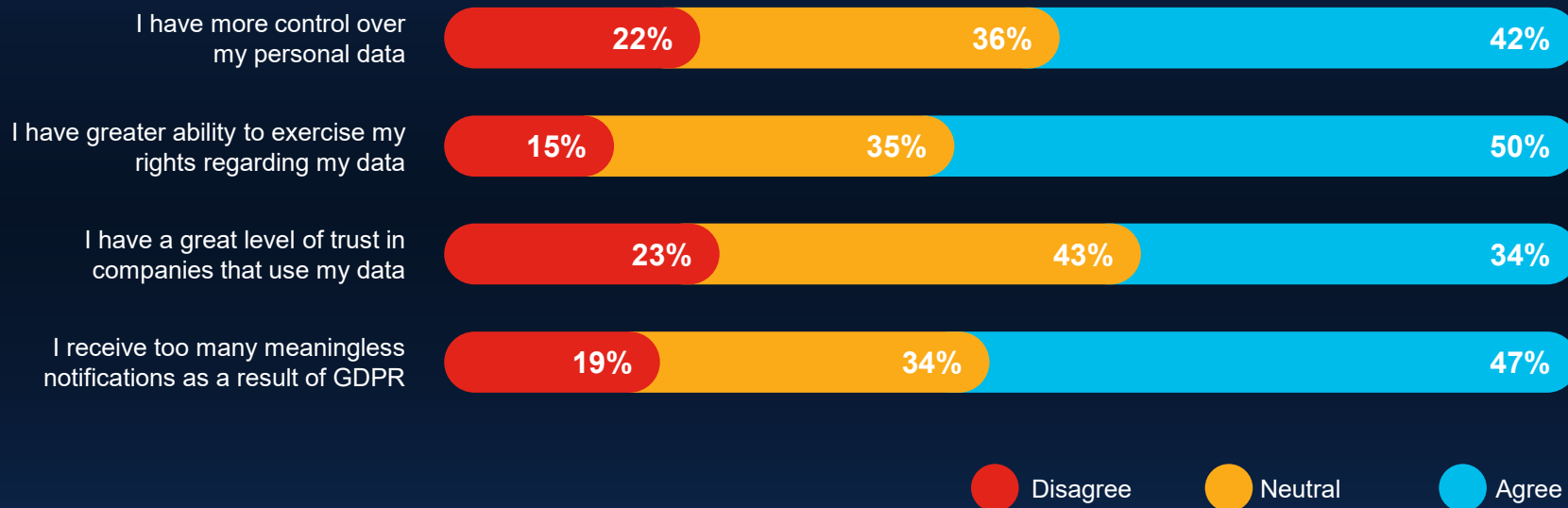
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GDPR Sentiment, by country (EU average)



Among other things, GDPR has enhanced consumers' control and rights regarding their data

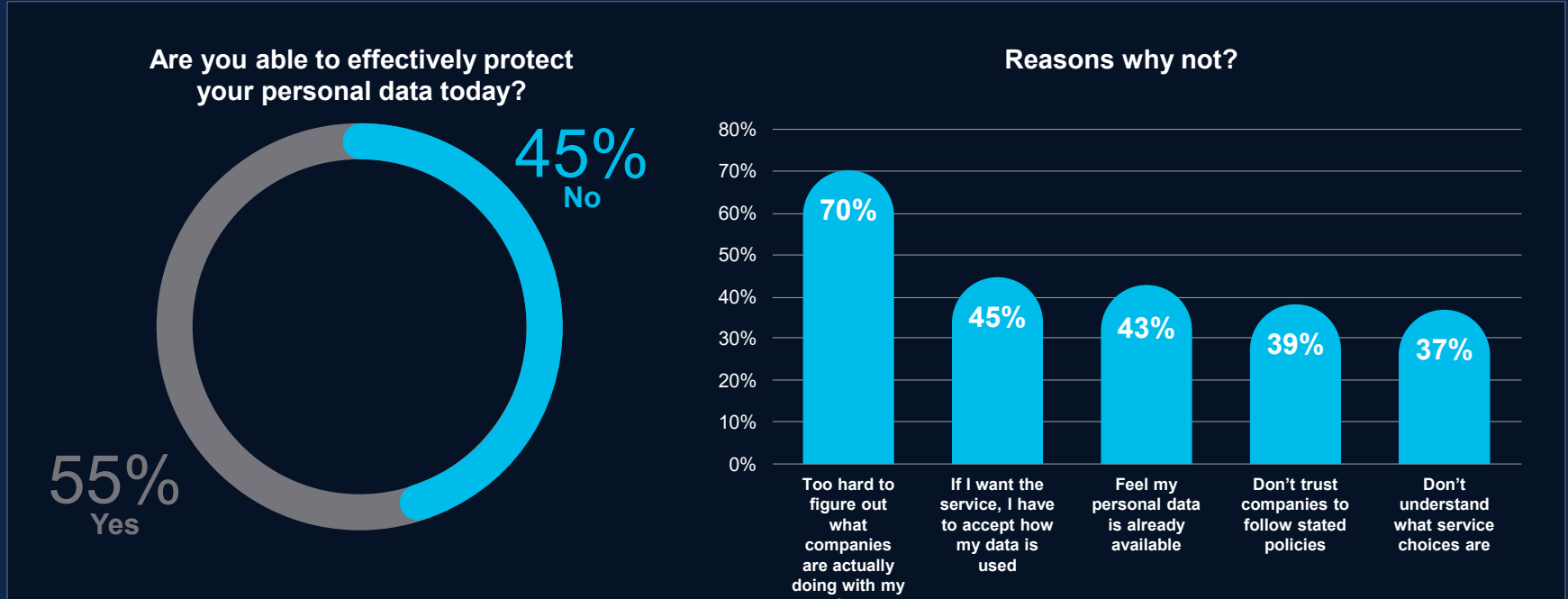
Impact of GDPR on the individual



Source: Cisco Consumer Privacy Study – 2019

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Many consumers still are unable to effectively protect their data – EU



Source: Cisco Consumer Privacy Study – 2019

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