CIPL/IDP Webinar: Top Priorities for Organizations when Implementing the LGPD

Friday, 31 January 2020

Welcome and Introductions

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A Global Privacy and Security Think Tank

Centre for Information Policy Leadership
HUNTON ANDREWS KURTH

BRIDGING REGIONS | BRIDGING INDUSTRY & REGULATORS | BRIDGING PRIVACY AND DATA DRIVEN INNOVATION

ACTIVE GLOBAL REACH

85+ Member Companies

5+ Active Projects & Initiatives

20+ Events annually

15+ Principals and Advisors

We **INFORM** through publications and events

We **NETWORK** with global industry and government leaders

We **SHAPE** privacy policy, law and practice

We **CREATE** and implement best practices

ABOUT US

- The Centre for Information Policy Leadership (CIPL) is a global privacy and security think tank
- Based in Washington, DC, Brussels and London
- Founded in 2001 by leading companies and Hunton Andrews Kurth LLP
- CIPL works with industry leaders, regulatory authorities and policy makers to develop global solutions and best practices for data privacy and responsible use of data to enable the modern information age

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Effective Implementation and Regulation Under the New Brazilian Data Protection Law (LGPD)

Information Sharing

- Facilitating information sharing
- Relevant regulatory and political data protection developments in Brazil and the globe

LGPD Implementation

- Informing and advancing constructive and forward-thinking interpretation of key LGPD requirements
- Facilitating consistent LGPD application
- Drawing from global experiences

Industry Experience and Best Practices

- Providing a forum for discussion and reflections on LGPD implementation and challenges
- Contributing to, and learning from, best practices
- Streamlining implementation measures

Effective Regulation

- Promoting effective regulatory strategies – innovative regulatory methods and constructive engagement with organizations
- Drawing on international regulatory experiences
- Reflecting upon the essential role of the ANPD
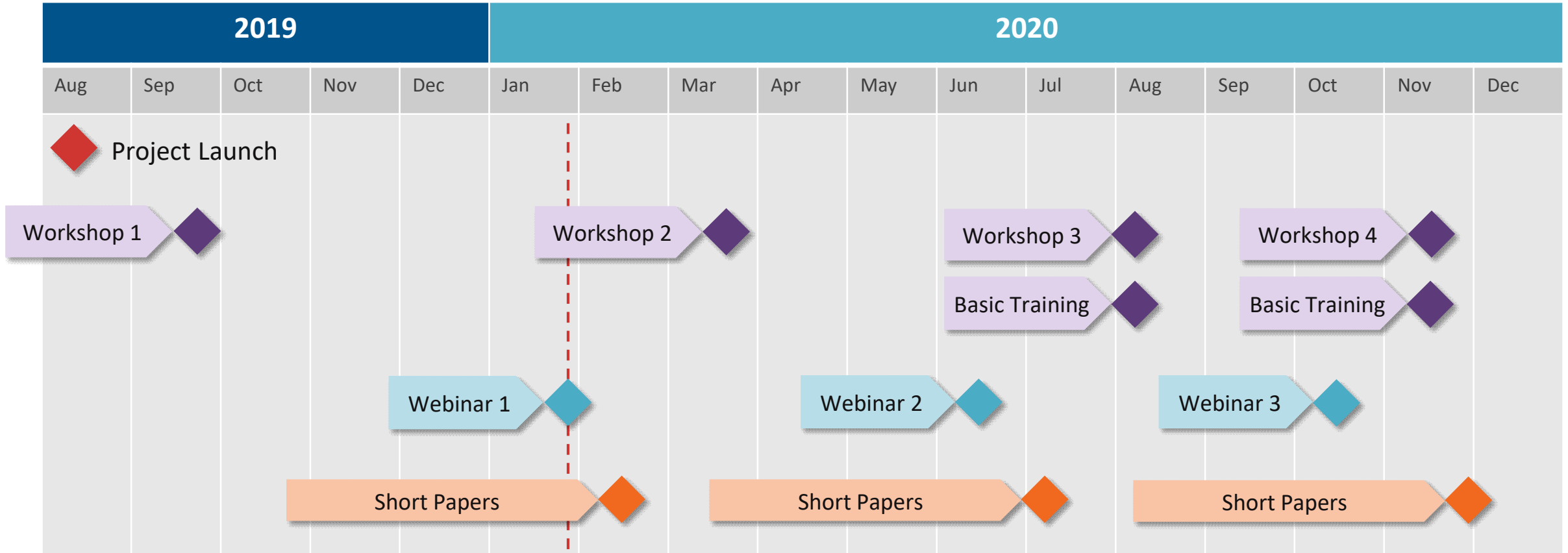
CIPL Accountability Framework

Organisations must be able to demonstrate accountability – internally and externally

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

Leadership and Oversight

Risk Assessment

Response and Enforcement

Accountability

Effective Compliance and Protection for Individuals

Policies and Procedures

Monitoring and Verification

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

Training and Awareness

Transparency

Company values and business ethics shape accountability

LGPD and Accountability

Leadership and Oversight	• Data protection officer • Mandatory LGPD governance program integrated into the organization's general governance structure	
Risk Assessment	• Impact assessment report as requested by the ANPD • Risk assessment of data incidents	• Risk-based approach to development of codes of conduct • Systemic assessment of impact on, and risk to, privacy as part of LGPD governance program
Policies and Procedures	• Legal bases and fair processing • Anonymization procedures • Retention and deletion • Review of automated decisions • Data transfer mechanisms • Internal technical and organisational measures to comply with LGPD	• Security measures for processors • Further technical measures required by the ANPD • Privacy by design • Vendor/processor contracts • Procedures for response to individual rights • Codes of conduct
Transparency	• Access to information about data processing • Special measures for transparency when processing is based on legitimate interests • Special notices for children and elderly	• Goal of the LGPD governance program of building a trust relationship with individuals though transparency and participation mechanisms • Publication of codes of conduct
Training and Awareness	• Ability to demonstrate commitment to adopt internal procedures and policies resulting from the LGPD governance program – training implied	
Monitoring and Verification	• Evidencing consent • Verifying parental consent • Legitimate interest impact assessment • Internal records of processing	• Internal and external compliance monitoring for the LGPD governance program • Assessment of effectiveness of the LGPD governance program
Response and Enforcement	• Data incident response plans and remediation, breach notification • Audit for discrimination resulting from automated decision-making • Processor liability	• Demonstrating effectiveness of the LGPD governance program • Sanctions for non-compliance • Mandatory public consultation for ANPD guidance and requirements • Public hearings organised by the National Council

About this Webinar

30 min

Speaker Presentations

50 min

Open Discussions

All participants are encouraged to submit questions and comments through the Q&A box in the Zoom Application

How to implement new law requirements?

Alexandra Cebulsky, Senior Legal Counsel Data Privacy, Accenture

- Key considerations to set up a project

- Dealing with a new law: How to know when nobody knows?

- The project end and no end of the story

How to implement new law requirements?

Alexandra Cebulsky, Senior Legal Counsel Data Privacy, Accenture

Key considerations to set up a project:

1. Budget

- Request early!
- Consider team, external resources, technology and tools, communication and training as cost drivers

2. Project Organization/Stakeholders

- Identify your stakeholders and your sponsor: Who is owning processes? Who is responsible for new processes to be implemented, especially who will run controls?
- How to make decisions and who are the decisionmakers?
- Have a project organization with clear reporting lines, consider mixed teams!

3. Approach:

- Define your goal - being compliant does not necessarily mean all is perfect!
- Think about how you are running the project and which approach you do use (big bang or pilot). Think about iterative approaches and workstreams set up – but keep it manageable!
- Plan in change management (comms/training) from the start.
- Consider time and resources and budget for technology or process changes

How to implement new law requirements?

Alexandra Cebulsky, Senior Legal Counsel Data Privacy, Accenture

Dealing with a new law:

1. What does it mean for your organization?

- Read and identify the requirements: What is really new?
- Get input from external advisors, guidance and leverage your network to help interpret
- Set up guidance papers for your company to align views and perspectives
- Check (assess) which requirements your company is already meeting vs. not meeting
- What are the consequences of the gaps? What is a must do vs a nice-to-have
- Don't be afraid to change your view

2. Leverage your stakeholders!

- Educate them
- Include them into solution finding and designing
- Listen to their needs

3. Implement new processes, roles and new controls

- Use policies, procedures, training and communication
- Idenitify where controls would fit best and who will monitor them

How to implement new law requirements?

Alexandra Cebulsky, Senior Legal Counsel Data Privacy, Accenture

The project end – no end of the story!

1. Plan the project end early!

- How do you transition into BAU (Business as Usual)?

- Piloting? Do you have to build in improvements?

- Start working on communications to all people early!

2. Check if you met the goal!

- Plan in a review or assessment

- Leverage third parties or IA to get a third opinion

- Monitor the processes

- Monitor the "others" – listen to what other companies share

3. Re-Charge and Adopt

- Finetune and adopt

- Consider improvements based on feedback

A practical approach to an LGPD implementation plan

Vanessa Butalla, Legal Director, Serasa Experian

A practical approach to a LGPD implementation plan

Vanessa Butalla, Legal Director, Serasa Experian

Where did we start?

- Educated and engaged main stakeholders on LGPD, including senior management
- Formed a multidisciplinary team
- Defined a governance structure
- Run a macro analysis on what are the main potential issues to be addressed

What are the activities around implementation?

- Regulation
- Services and products
- Processes and systems
- Communication
- LGPD assessment (commercial and non-commercial databases)

A practical approach to a LGPD implementation plan

Vanessa Butalla, Legal Director, Serasa Experian

What is the LGPD approach at Serasa?

- Three-pillar approach
  - Legal grounds for data treatment
  - Principles
  - Data subjects' rights

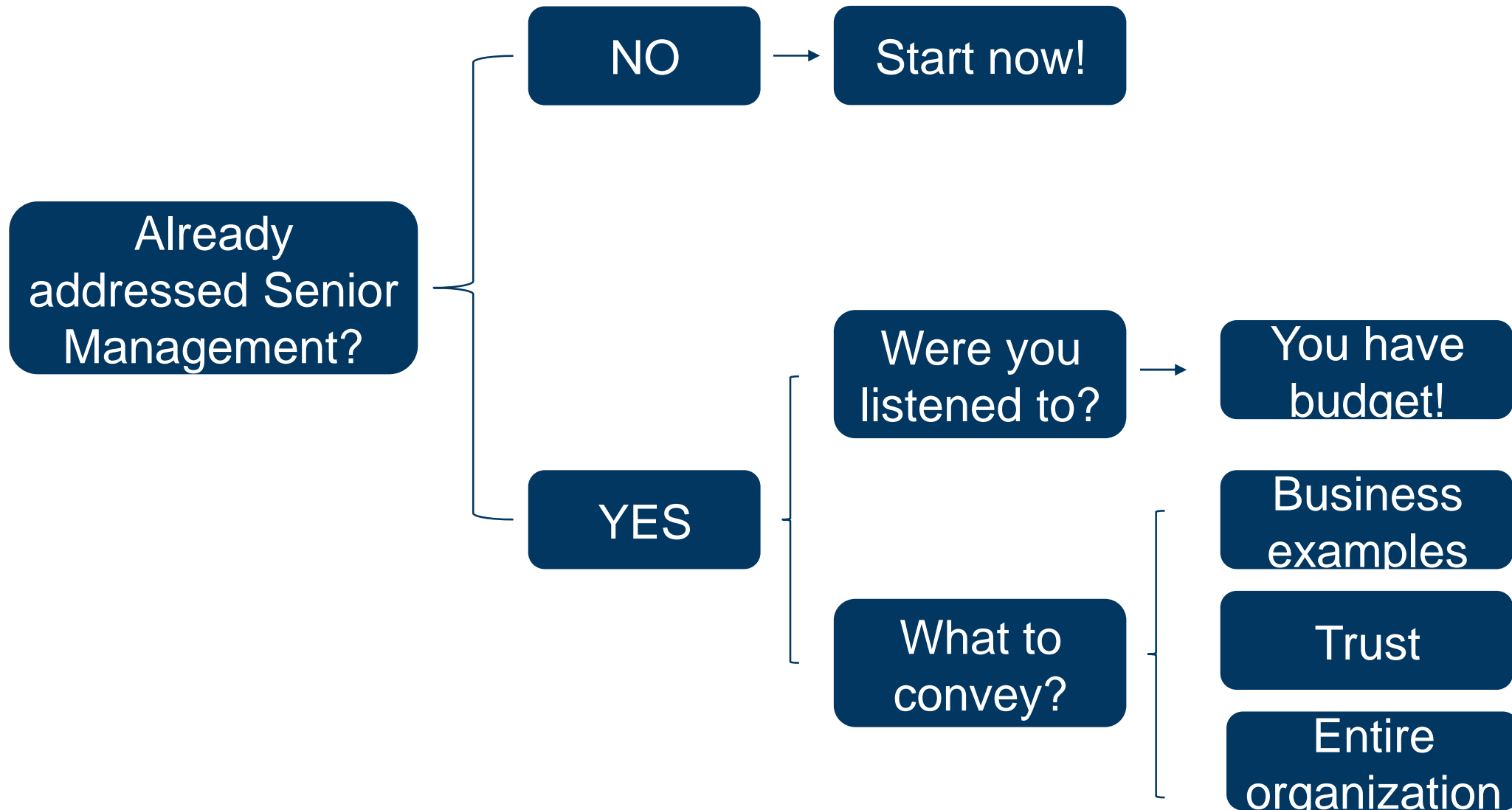Some lessons learned from Experian UK's GDPR implementation

- Be fast to make major decisions
- Define quick wins and start implementing ASAP
- Define budget and systems adjustments ASAP

How to tackle and adapt to LGPD: opportunities & challenges

Teresa Patraquim da Conceição, Head
Privacy Team – International, Novartis

Senior Management Engagement

Teresa Patraquim da Conceição, Head Privacy Team – International, Novartis

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                              NO  →  Start now!

Already
addressed Senior
Management?
                                     Were you      →   You have
                                     listened to?       budget!

                    YES                                Business
                                                       examples

                                     What to           Trust
                                     convey?
                                                       Entire
                                                       organization
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Privacy Program – Culture & Maturity

Teresa Patraquim da Conceição, Head Privacy Team – International, Novartis

Broadly speak about privacy & data protection

Focus on why privacy matters (not penalties)

Educate on privacy fundamentals

Engage internally, be transparent

LGPD Adaptation - Specificities

Teresa Patraquim da Conceição, Head Privacy Team – International, Novartis

Ground Zero – know your company core business and drivers

The right internal stakeholder at the right time: team work

Share / receive knowledge engaging with vendors

Establish processes

Open Discussions

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