Status, Key Challenges and Opportunities

30 March 2017
Brussels
**CIPL GDPR Project Objectives**

- **Consistent interpretation** by all Member States and stakeholders
- **Consistent further implementation** by Member States, EU Commission and DPAs/EDPB
- **Constructive, forward-thinking and future-proof interpretation** enabling EU Digital Single Market and data-driven innovation, while protecting privacy
- **Best practices, opportunities and challenges** in the implementation
- **Bridging stakeholders and building trust**
CIPL Project Deliverables to Date

Workshops and working sessions
- Amsterdam (Kick-off), Paris (DPO, Risk), Brussels (Certifications), Madrid (Transparency, Consent, Legitimate interest)

CIPL Papers Submitted to WP29
- DPO
- Risk
- One Stop Shop and Lead DPA

EPrivacy Regulation Consultation Response

CIPL Responses to WP29 Guidance
- DPO, Data Portability, Lead SA

GDPR Readiness Survey Report

CIPL Papers in Progress
- Certifications
- Smart Regulation
- Transparency, Consent, Legitimate Interest
GDPR Project Work Plan 2017

Continuation of 2016 Priorities

- DPO
- Risk

2017 Priorities

Certifications
Smart Regulation
Core Principles:
• Consent
• Legitimate Interest
• Transparency
Data Portability
One-Stop-Shop
E-Privacy Regulation
New User Rights:
• Restrictions on Processing
• Right to object
• Rights related to automated decision taking
Innovation Drivers:
• Historical/Statistical Research exemption
• Anonymisation/Pseudonymisation

Project Activities

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<th>Internal</th>
<th>External</th>
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<td>• Steering Committee and calls</td>
<td>• Workshop reports, papers and written submissions</td>
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<td>• Subgroups and calls</td>
<td>• Engagement with EU DPAs, Commission and national governments</td>
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<td>• Deep dive webinars on priority topics</td>
<td>• Workshop III (6-7 March 2017, Madrid)</td>
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<td>• All project participants calls</td>
<td>• Workshop IV (14 June, Dublin TBC)</td>
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<td>• CIPL GDPR Working Session in the margins of IAPP Congress (December 2017, Brussels, TBC)</td>
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*Additional CIPL priorities may be considered based on suggestions/developments/new information*
CIPL & AvePoint Joint GDPR Readiness Survey – Oct 2016

Level of Impact

- Privacy Management Programme
- Use/Contracting with processors
- Individual rights
- Data breach notification

Readiness

SENIOR MANAGEMENT KEY CONCERNS

- Enhanced sanctions
- Data breach reporting
- Stricter rules on consent & data reuse
- Individual rights
- Changes to internal privacy program

Legitimate interest, Privacy by Design, DPIA and risk - the main areas requiring most clarification
### GDPR Implementation Feedback: Overarching Challenges and Imperatives

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<th>Challenge/Imperative</th>
<th>Description</th>
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<td>Effective regulation and well-resourced DPAs</td>
<td>• essential for harmonised interpretation and oversight, the OSS, lead DPA, consistency and cooperation procedures, EDPB and the Digital Single Market</td>
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<td>Ongoing and direct dialogue between industry and DPAs / EDPB</td>
<td>• especially regarding developing concepts such as data transfers, icons and certification.</td>
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<td>Harmonisation priority</td>
<td>• in Member States implementation; in DPAs interpretation and enforcement</td>
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<td>Conflicts and interaction with other laws</td>
<td>• between the GDPR and other EU and foreign laws, regulations and industry standards, especially in regulated industries (e.g. NIS Directive, ISO privacy and security standards, ePrivacy Regulation)</td>
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<td>Timely and flexible DPA guidance</td>
<td>• but not rushed; consider the cost impact on organisations of reengineering compliance steps, systems, processes and privacy program</td>
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<td>Brexit</td>
<td>• practical impact on OSS / lead DPA, BCR approvals, consistency and cooperation between ICO and EDBP</td>
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GDPR – Opportunities and Challenges

GDPR Compliance - carries risks, compliance costs and burdens

GDPR Opportunities – link DP to business and data strategy
Accountability, risk based approach, transparency, certifications, codes of conduct

Requires senior leadership visibility, holistic approach and strategic vision
GDPR – Opportunity to Rethink Data Privacy and Information Management Strategy

Enable new business models, digitalisation and data innovation

Address expectations for increased transparency, user control and value, corporate responsibility

Ensure data sustainability and digital trust

Address regulatory changes - impact and implementation

Mitigate legal, commercial and reputational risks

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GDPR: Key Areas of Strategic Impact

DP Program – Corporate Digital Responsibility

- DPIA and Risk Assessment
- Privacy Engineers
- Vendor management
- Breach management
- DPA relationship management
- Legal uncertainty and disputes management
- Data strategy and Big Data enablement
- Data transfers strategy
- DPO led, documented, risk-based, verified, demonstrated
Systematic Changes Ahead for Organisations

GDPR implementation – requires **company-wide change management program**

DP becomes a **business issue** - wide impact on company’s globalisation, digital transformation and data strategy

DP becomes **board-level issue** – higher enterprise risk; larger business, legal and compliance impact; security breach notification and management

**Holistic and joined-up approach** - between CIO, CISO, CDO, CMO, CPO, Legal and communications / media relations

**DP Officer (DPO)** - becomes a more strategic, senior and multi-skilled role

Greater need for **managing external engagement and relationships** (DPAs, EDPB, individuals, media, privacy advocates)