International Conference on Privacy Protection in Corporate Governance

# Implementing Accountability – A Pragmatic Framework

Presented by:
Karinna Neumann, MBA, CIPP/E, CIPM
Hong Kong 11/02/14

NYMITY
innovating compliance

# IMPLEMENTING ACCOUNTABILITY

## A Pragmatic Framework

- Key Concepts
- Free Framework to Implement Accountability in your Organization
  1. Baseline Your Privacy Management
  2. Plan Your Privacy Management
  3. Implement Your Privacy Management

**KEY OBJECTIVE:**

**Building Accountability through an Effective Privacy Program**

# ABOUT NYMITY

## Nymity Research

- A global research company grounded in data privacy compliance research with a pragmatic approach
- Research includes the development of frameworks and methodologies
- Accountability is a cornerstone of Nymity's research

  9 demonstrating accountability research studies since 2009 listed in preface of Feedback Release 2013: Nymity Data Privacy Accountability Scorecard

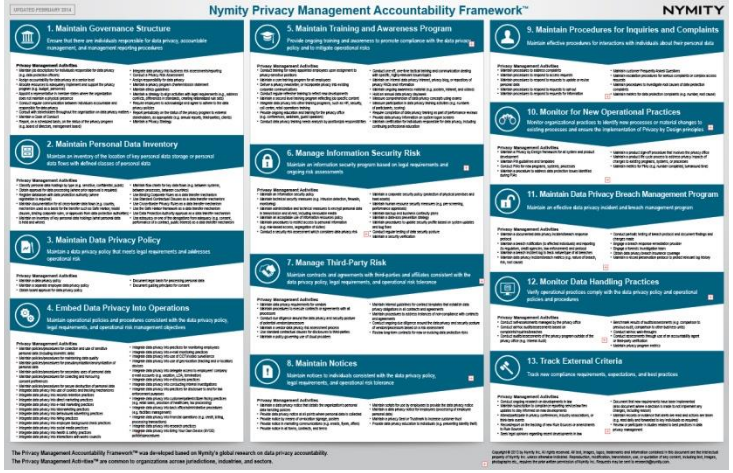
## Nymity Solutions

- Compliance tools for the privacy office

*Nymity makes its frameworks available to the global privacy community for free*

# PRIVACY MANAGEMENT TOOLS

## Framework



UPDATED FEBRUARY 2014

**Nymity Privacy Management Accountability Framework™** NYMITY

**1. Maintain Governance Structure**
Ensure that there are individuals responsible for data privacy, accountable management, and management reporting procedures

**2. Maintain Personal Data Inventory**
Maintain an inventory of the location of key personal data storage or personal data flows with defined classes of personal data

**3. Maintain Data Privacy Policy**
Maintain a data privacy policy that meets legal requirements and addresses operational risk

**4. Embed Data Privacy Into Operations**
Maintain operational policies and procedures consistent with the data privacy policy, legal requirements, and operational risk management objectives

**5. Maintain Training and Awareness Program**
Provide ongoing training and awareness to promote compliance with the data privacy policy and to mitigate operational risks

**6. Manage Information Security Risk**
Maintain an information security program based on legal requirements and ongoing risk assessments

**7. Manage Third-Party Risk**
Maintain contracts and agreements with third-parties and affiliates consistent with the data privacy policy, legal requirements, and operational risk tolerance

**8. Maintain Notices**
Maintain notices to individuals consistent with the data privacy policy, legal requirements, and operational risk tolerance

**9. Maintain Procedures for Inquiries and Complaints**
Maintain effective procedures for interactions with individuals about their personal data

**10. Monitor for New Operational Practices**
Monitor organizational practices to identify new processes or material changes to existing processes and ensure the implementation of Privacy by Design principles

**11. Maintain Data Privacy Breach Management Program**
Maintain an effective data privacy incident and breach management program

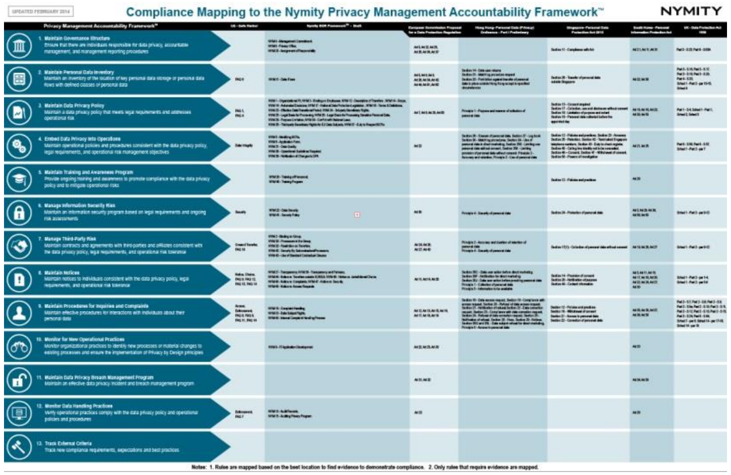
**12. Monitor Data Handling Practices**
Verify operational practices comply with the data privacy policy and operational policies and procedures

**13. Track External Criteria**
Track new compliance requirements, expectations, and best practices

Privacy Management Activities [illegible]

The Privacy Management Accountability Framework™ was developed based on Nymity's global research on data privacy accountability.
The Privacy Management Activities™ are common to organizations across jurisdictions, industries, and sectors.

## Compliance Mapping - Fundamentals



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**Compliance Mapping to the Nymity Privacy Management Accountability Framework™** NYMITY

| Privacy Management Accountability Framework™ | US - Safe Harbor | Nymity BCR Framework™ - Draft | European Commission Proposal for a Data Protection Regulation | Hong Kong - Personal Data (Privacy) Ordinance - Part I Preliminary | Singapore - Personal Data Protection Act 2012 | South Korea - Personal Information Protection Act | UK - Data Protection Act 1998 |
|---|---|---|---|---|---|---|---|
| 1. Maintain Governance Structure<br>Ensure that there are individuals responsible for data privacy, accountable management, and management reporting procedures | | [illegible] | [illegible] | | Section 11 - Compliance with Act | [illegible] | [illegible] |
| 2. Maintain Personal Data Inventory<br>Maintain an inventory of the location of key personal data storage or personal data flows with defined classes of personal data | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] |
| 3. Maintain Data Privacy Policy<br>Maintain a data privacy policy that meets legal requirements and addresses operational risk | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] |
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| 5. Maintain Training and Awareness Program<br>Provide ongoing training and awareness to promote compliance with the data privacy policy and to mitigate operational risks | | [illegible] | | | Section 12 - Policies and practices | [illegible] | |
| 6. Manage Information Security Risk<br>Maintain an information security program based on legal requirements and ongoing risk assessments | Security | [illegible] | [illegible] | Principle 4 - Security of personal data | Section 24 - Protection of personal data | [illegible] | [illegible] |
| 7. Manage Third-Party Risk<br>Maintain contracts and agreements with third-parties and affiliates consistent with the data privacy policy, legal requirements, and operational risk tolerance | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] |
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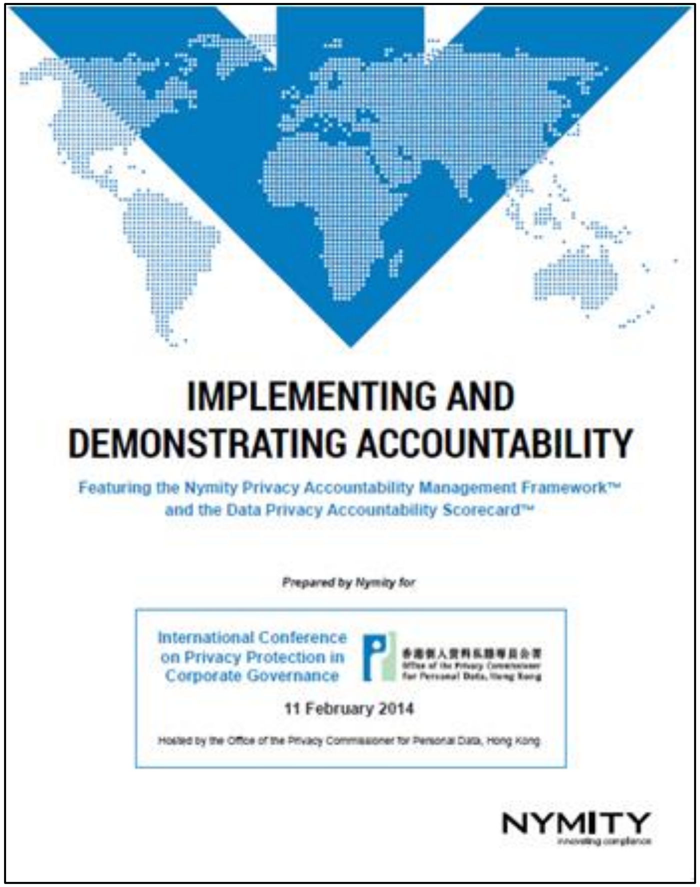
| 13. Track External Criteria<br>Track new compliance requirements, expectations and best practices | | | | | | | |

Notes: 1. Rules are mapped based on the best location to find evidence to demonstrate compliance. 2. Only rules that require evidence are mapped.

## Practical Guide to Building Accountability through an Effective Privacy Program



IMPLEMENTING AND DEMONSTRATING ACCOUNTABILITY

Featuring the Nymity Privacy Accountability Management Framework™ and the Data Privacy Accountability Scorecard™

Prepared by Nymity for

International Conference on Privacy Protection in Corporate Governance

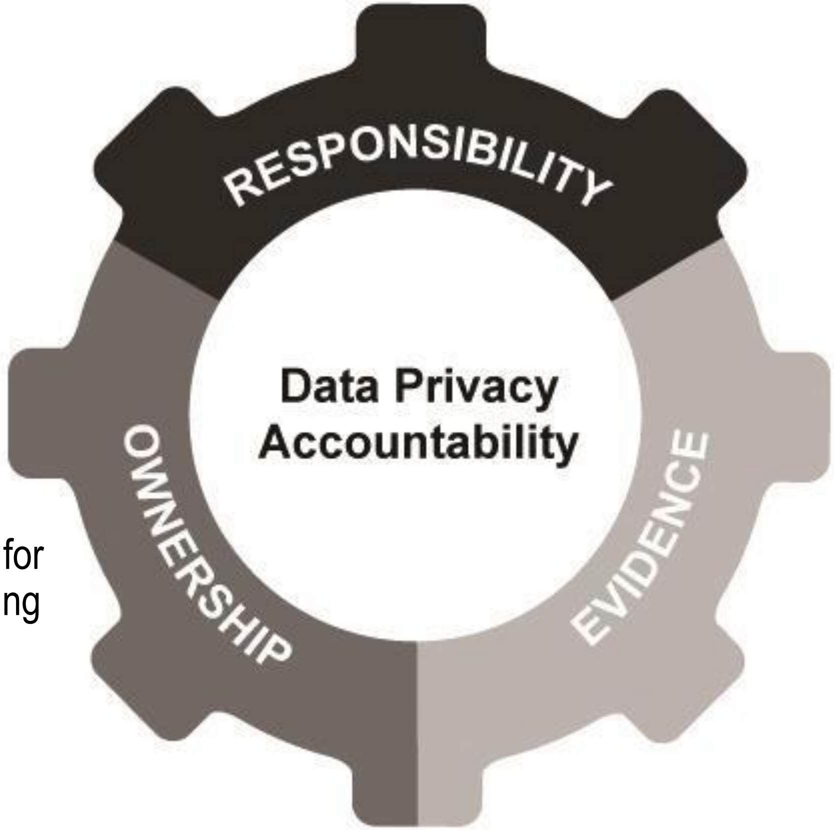
香港個人資料私隱專員公署 Office of the Privacy Commissioner for Personal Data, Hong Kong

11 February 2014

Hosted by the Office of the Privacy Commissioner for Personal Data, Hong Kong

NYMITY innovating compliance

# ELEMENTS OF ACCOUNTABILITY



The organization maintains an effective privacy program consisting of ongoing **privacy management activities.**

An **individual is answerable** for the management and monitoring of the privacy management activities.

The Privacy Office can **support, with documentation**, the completion of privacy management activities.

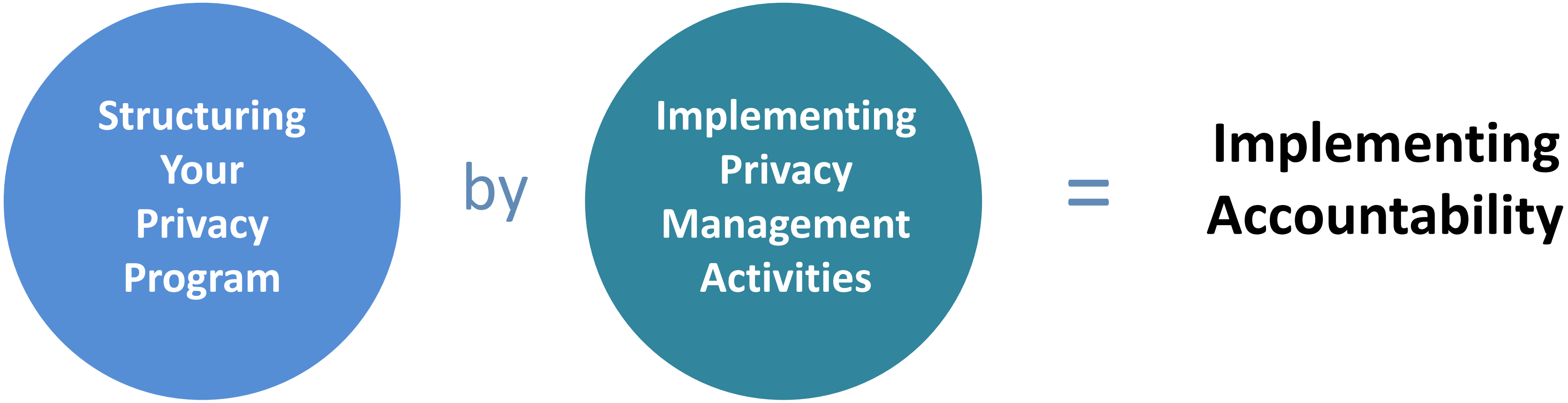
**Accountability: Showing how responsibility is exercised and making this verifiable.**

*– Article 29 Working Party*

# IMPLEMENTING ACCOUNTABILITY

**Implementing accountability –**

**an ongoing approach to effective privacy management**



Structuring Your Privacy Program

by

Implementing Privacy Management Activities

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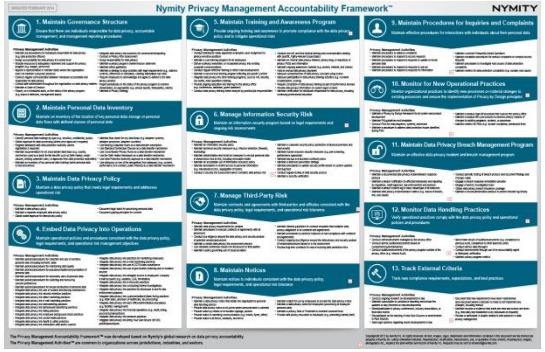
**Implementing Accountability**

# A FRAMEWORK TO IMPLEMENT ACCOUNTABILITY

Nymity's research has revealed:

✓ *Privacy offices in responsible organizations around the world fundamentally conduct the same activities*



Nymity Privacy Management Accountability Framework™

NYMITY

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The Privacy Management Accountability Framework™ was developed based on Nymity's global research on data privacy accountability.
The Privacy Management Activities™ are common to organizations across jurisdictions, industries, and sectors.

**Nymity Data Privacy Management Framework™**

- ✓ Jurisdictional and industry neutral
- ✓ Structured on 13 privacy management processes
- ✓ 150+ Privacy Management Activities
- ✓ Available for free

***Framework designed for organizations to demonstrate accountability - organizations are using it to implement accountability***

# NYMITY PRIVACY MANAGEMENT ACCOUNTABILITY FRAMEWORK

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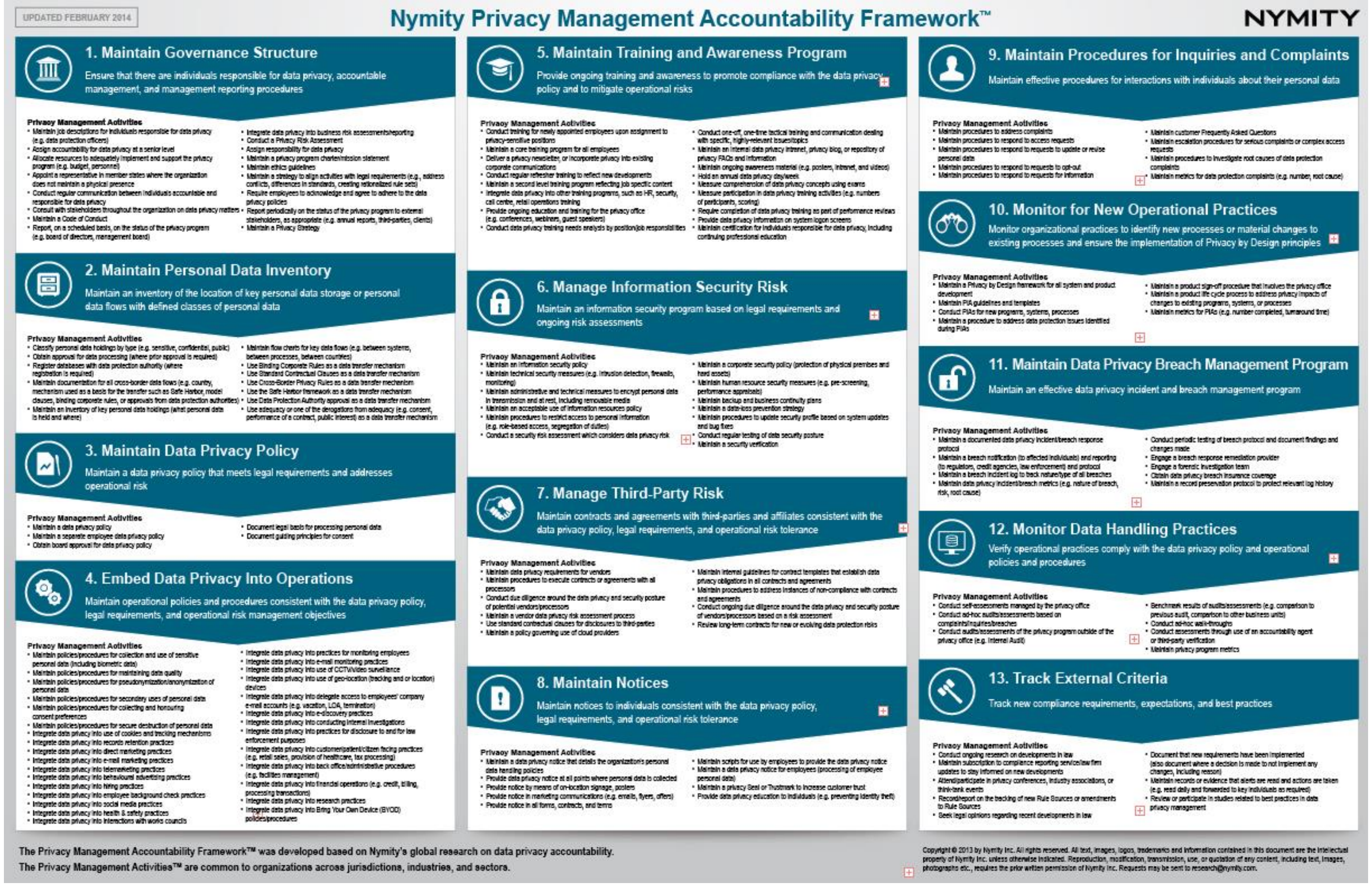


UPDATED FEBRUARY 2014

## Nymity Privacy Management Accountability Framework™

NYMITY

### 1. Maintain Governance Structure

Ensure that there are individuals responsible for data privacy, accountable management, and management reporting procedures

**Privacy Management Activities**

- Maintain job descriptions for individuals responsible for data privacy (e.g. data protection officers)
- Assign accountability for data privacy at a senior level
- Allocate resources to adequately implement and support the privacy program (e.g. budget, personnel)
- Appoint a representative in member states where the organization does not maintain a physical presence
- Conduct regular communication between individuals accountable and responsible for data privacy
- Consult with stakeholders throughout the organization on data privacy matters
- Maintain a Code of Conduct
- Report, on a scheduled basis, on the status of the privacy program (e.g. board of directors, management board)
- Integrate data privacy into business risk assessments/reporting
- Conduct a Privacy Risk Assessment
- Assign responsibility for data privacy
- Maintain a privacy program charter/mission statement
- Maintain ethics guidelines
- Maintain a strategy to align activities with legal requirements (e.g., address conflicts, differences in standards, creating rationalized rule sets)
- Require employees to acknowledge and agree to adhere to the data privacy policies
- Report periodically on the status of the privacy program to external stakeholders, as appropriate (e.g. annual reports, third-parties, clients)
- Maintain a Privacy Strategy

### 2. Maintain Personal Data Inventory

Maintain an inventory of the location of key personal data storage or personal data flows with defined classes of personal data

**Privacy Management Activities**

- Classify personal data holdings by type (e.g. sensitive, confidential, public)
- Obtain approval for data processing (where prior approval is required)
- Register databases with data protection authority (where registration is required)
- Maintain documentation for all cross-border data flows (e.g. country, mechanism used as a basis for the transfer such as Safe Harbor, model clauses, binding corporate rules, or approvals from data protection authorities)
- Maintain an inventory of key personal data holdings (what personal data is held and where)
- Maintain flow charts for key data flows (e.g. between systems, between processes, between countries)
- Use Binding Corporate Rules as a data transfer mechanism
- Use Standard Contractual Clauses as a data transfer mechanism
- Use Cross-Border Privacy Rules as a data transfer mechanism
- Use the Safe Harbor framework as a data transfer mechanism
- Use Data Protection Authority approval as a data transfer mechanism
- Use adequacy or one of the derogations from adequacy (e.g. consent, performance of a contract, public interest) as a data transfer mechanism

### 3. Maintain Data Privacy Policy

Maintain a data privacy policy that meets legal requirements and addresses operational risk

**Privacy Management Activities**

- Maintain a data privacy policy
- Maintain a separate employee data privacy policy
- Obtain board approval for data privacy policy
- Document legal basis for processing personal data
- Document guiding principles for consent

### 4. Embed Data Privacy Into Operations

Maintain operational policies and procedures consistent with the data privacy policy, legal requirements, and operational risk management objectives

**Privacy Management Activities**

- Maintain policies/procedures for collection and use of sensitive personal data (including biometric data)
- Maintain policies/procedures for maintaining data quality
- Maintain policies/procedures for pseudonymization/anonymization of personal data
- Maintain policies/procedures for secondary uses of personal data
- Maintain policies/procedures for collecting and honouring consent preferences
- Maintain policies/procedures for secure destruction of personal data
- Integrate data privacy into use of cookies and tracking mechanisms
- Integrate data privacy into records retention practices
- Integrate data privacy into direct marketing practices
- Integrate data privacy into e-mail marketing practices
- Integrate data privacy into telemarketing practices
- Integrate data privacy into behavioural advertising practices
- Integrate data privacy into hiring practices
- Integrate data privacy into employee background check practices
- Integrate data privacy into social media practices
- Integrate data privacy into health & safety practices
- Integrate data privacy into interactions with works councils
- Integrate data privacy into practices for monitoring employees
- Integrate data privacy into e-mail monitoring practices
- Integrate data privacy into use of CCTV/video surveillance
- Integrate data privacy into use of geo-location (tracking and or location) devices
- Integrate data privacy into delegate access to employees' company e-mail accounts (e.g. vacation, LOA, termination)
- Integrate data privacy into e-discovery practices
- Integrate data privacy into conducting internal investigations
- Integrate data privacy into practices for disclosure to and for law enforcement purposes
- Integrate data privacy into customer/patient/citizen facing practices (e.g. retail sales, provision of healthcare, tax processing)
- Integrate data privacy into back office/administrative procedures (e.g. facilities management)
- Integrate data privacy into financial operations (e.g. credit, billing, processing transactions)
- Integrate data privacy into research practices
- Integrate data privacy into Bring Your Own Device (BYOD) policies/procedures

### 5. Maintain Training and Awareness Program

Provide ongoing training and awareness to promote compliance with the data privacy policy and to mitigate operational risks

**Privacy Management Activities**

- Conduct training for newly appointed employees upon assignment to privacy-sensitive positions
- Maintain a core training program for all employees
- Deliver a privacy newsletter, or incorporate privacy into existing corporate communications
- Conduct regular refresher training to reflect new developments
- Maintain a second level training program reflecting job specific content
- Integrate data privacy into other training programs, such as HR, security, call centre, retail operations training
- Provide ongoing education and training for the privacy office (e.g. conferences, webinars, guest speakers)
- Conduct data privacy training needs analysis by position/job responsibilities
- Conduct one-off, one-time tactical training and communication dealing with specific, highly-relevant issues/topics
- Maintain an internal data privacy intranet, privacy blog, or repository of privacy FAQs and information
- Maintain ongoing awareness material (e.g. posters, intranet, and videos)
- Hold an annual data privacy day/week
- Measure comprehension of data privacy concepts using exams
- Measure participation in data privacy training activities (e.g. numbers of participants, scoring)
- Require completion of data privacy training as part of performance reviews
- Provide data privacy information on system logon screens
- Maintain certification for individuals responsible for data privacy, including continuing professional education

### 6. Manage Information Security Risk

Maintain an information security program based on legal requirements and ongoing risk assessments

**Privacy Management Activities**

- Maintain an information security policy
- Maintain technical security measures (e.g. intrusion detection, firewalls, monitoring)
- Maintain administrative and technical measures to encrypt personal data in transmission and at rest, including removable media
- Maintain an acceptable use of information resources policy
- Maintain procedures to restrict access to personal information (e.g. role-based access, segregation of duties)
- Conduct a security risk assessment which considers data privacy risk
- Maintain a corporate security policy (protection of physical premises and hard assets)
- Maintain human resource security measures (e.g. pre-screening, performance appraisals)
- Maintain backup and business continuity plans
- Maintain a data-loss prevention strategy
- Maintain procedures to update security profile based on system updates and bug fixes
- Conduct regular testing of data security posture
- Maintain a security verification

### 7. Manage Third-Party Risk

Maintain contracts and agreements with third-parties and affiliates consistent with the data privacy policy, legal requirements, and operational risk tolerance

**Privacy Management Activities**

- Maintain data privacy requirements for vendors
- Maintain procedures to execute contracts or agreements with all processors
- Conduct due diligence around the data privacy and security posture of potential vendors/processors
- Maintain a vendor data privacy risk assessment process
- Use standard contractual clauses for disclosures to third-parties
- Maintain a policy governing use of cloud providers
- Maintain internal guidelines for contract templates that establish data privacy obligations in all contracts and agreements
- Maintain procedures to address instances of non-compliance with contracts and agreements
- Conduct ongoing due diligence around the data privacy and security posture of vendors/processors based on a risk assessment
- Review long-term contracts for new or evolving data protection risks

### 8. Maintain Notices

Maintain notices to individuals consistent with the data privacy policy, legal requirements, and operational risk tolerance

**Privacy Management Activities**

- Maintain a data privacy notice that details the organization's personal data handling policies
- Provide data privacy notice at all points where personal data is collected
- Provide notice by means of on-location signage, posters
- Provide notice in marketing communications (e.g. emails, flyers, offers)
- Provide notice in all forms, contracts, and terms
- Maintain scripts for use by employees to provide the data privacy notice
- Maintain a data privacy notice for employees (processing of employee personal data)
- Maintain a privacy Seal or Trustmark to increase customer trust
- Provide data privacy education to individuals (e.g. preventing identity theft)

### 9. Maintain Procedures for Inquiries and Complaints

Maintain effective procedures for interactions with individuals about their personal data

**Privacy Management Activities**

- Maintain procedures to address complaints
- Maintain procedures to respond to access requests
- Maintain procedures to respond to requests to update or revise personal data
- Maintain procedures to respond to requests to opt-out
- Maintain procedures to respond to requests for information
- Maintain customer Frequently Asked Questions
- Maintain escalation procedures for serious complaints or complex access requests
- Maintain procedures to investigate root causes of data protection complaints
- Maintain metrics for data protection complaints (e.g. number, root cause)

### 10. Monitor for New Operational Practices

Monitor organizational practices to identify new processes or material changes to existing processes and ensure the implementation of Privacy by Design principles

**Privacy Management Activities**

- Maintain a Privacy by Design framework for all system and product development
- Maintain PIA guidelines and templates
- Conduct PIAs for new programs, systems, processes
- Maintain a procedure to address data protection issues identified during PIAs
- Maintain a product sign-off procedure that involves the privacy office
- Maintain a product life cycle process to address privacy impacts of changes to existing programs, systems, or processes
- Maintain metrics for PIAs (e.g. number completed, turnaround time)

### 11. Maintain Data Privacy Breach Management Program

Maintain an effective data privacy incident and breach management program

**Privacy Management Activities**

- Maintain a documented data privacy incident/breach response protocol
- Maintain a breach notification (to affected individuals) and reporting (to regulators, credit agencies, law enforcement) and protocol
- Maintain a breach incident log to track nature/type of all breaches
- Maintain data privacy incident/breach metrics (e.g. nature of breach, risk, root cause)
- Conduct periodic testing of breach protocol and document findings and changes made
- Engage a breach response remediation provider
- Engage a forensic investigation team
- Obtain data privacy breach insurance coverage
- Maintain a record preservation protocol to protect relevant log history

### 12. Monitor Data Handling Practices

Verify operational practices comply with the data privacy policy and operational policies and procedures

**Privacy Management Activities**

- Conduct self-assessments managed by the privacy office
- Conduct ad-hoc audits/assessments based on complaints/inquiries/breaches
- Conduct audits/assessments of the privacy program outside of the privacy office (e.g. Internal Audit)
- Benchmark results of audits/assessments (e.g. comparison to previous audit, comparison to other business units)
- Conduct ad-hoc walk-throughs
- Conduct assessments through use of an accountability agent or third-party verification
- Maintain privacy program metrics

### 13. Track External Criteria

Track new compliance requirements, expectations, and best practices

**Privacy Management Activities**

- Conduct ongoing research on developments in law
- Maintain subscription to compliance reporting service/law firm updates to stay informed on new developments
- Attend/participate in privacy conferences, industry associations, or think-tank events
- Record/report on the tracking of new Rule Sources or amendments to Rule Sources
- Seek legal opinions regarding recent developments in law
- Document that new requirements have been implemented (also document where a decision is made to not implement any changes, including reason)
- Maintain records or evidence that alerts are read and actions are taken (e.g. read daily and forwarded to key individuals as required)
- Review or participate in studies related to best practices in data privacy management

The Privacy Management Accountability Framework™ was developed based on Nymity's global research on data privacy accountability.
The Privacy Management Activities™ are common to organizations across jurisdictions, industries, and sectors.

*A Nymity Research Initiative*

# 150+ PRIVACY MANAGEMENT ACTIVITIES

**Privacy Management Activities (Activities):**

“Ongoing activities that have a positive impact on the processing of personal data”

- Privacy Management Activities Vary Between Organizations
    - As do purposes for processing personal data and the types of personal data being processed
- Organizations Select Applicable Activities
- Various Stakeholders Conduct the Activities

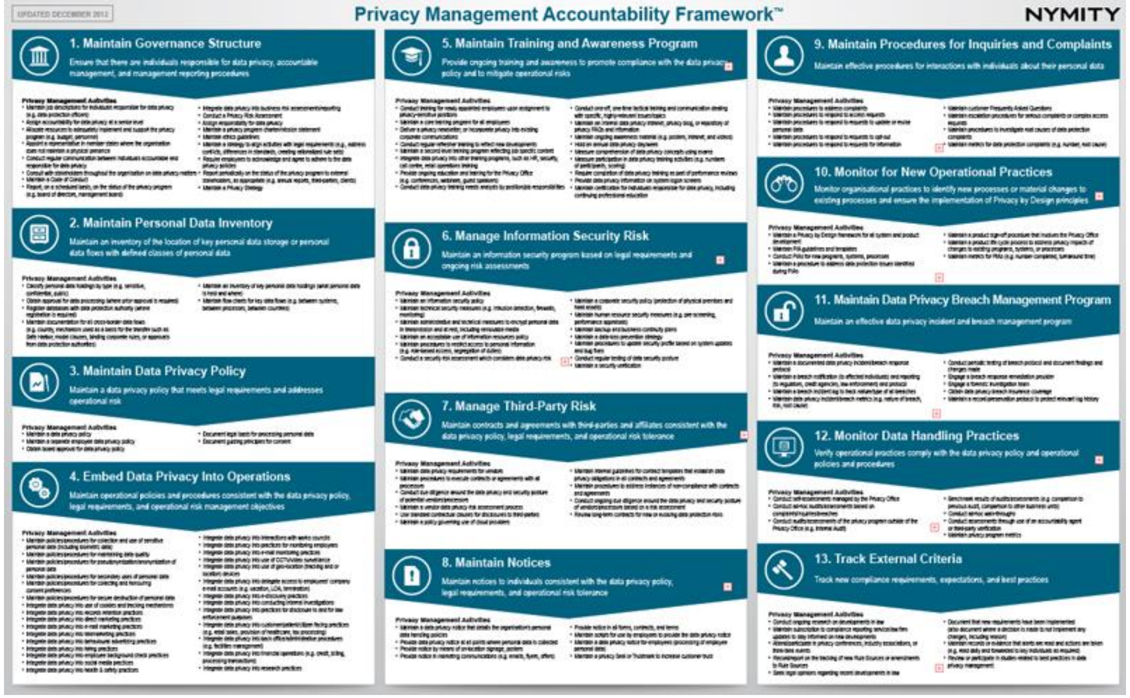
# NYMITY PRIVACY MANAGEMENT ACCOUNTABILITY FRAMEWORK

## Implementing Privacy Management Activities

**1. BASELINE**

**2. PLAN**

**3. IMPLEMENT**



UPDATED DECEMBER 2013

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- Conduct regular communication between individuals accountable and responsible for data privacy
- Consult with stakeholders throughout the organization on data privacy matters
- Maintain a Code of Conduct
- Report, on a scheduled basis, on the status of the privacy program (e.g. board of directors, management board)
- Integrate data privacy into business risk assessments/reporting
- Conduct a Privacy Risk Assessment
- Assign responsibility for data privacy
- Maintain a privacy program charter/mission statement
- Maintain ethics guidelines
- Maintain a strategy to align activities with legal requirements (e.g., address conflicts, differences in standards, creating rationalized rule sets)
- Require employees to acknowledge and agree to adhere to the data privacy policies
- Report periodically on the status of the privacy program to external stakeholders, as appropriate (e.g. annual reports, third-parties, clients)
- Maintain a Privacy Strategy

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- Classify personal data holdings by type (e.g. sensitive, confidential, public)
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- Maintain an inventory of key personal data holdings (what personal data is held and where)
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- Integrate data privacy into research practices

### 5. Maintain Training and Awareness Program

Provide ongoing training and awareness to promote compliance with the data privacy policy and to mitigate operational risks

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- Conduct training for newly appointed employees upon assignment to privacy-sensitive positions
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- Conduct data privacy training needs analysis by position/job responsibilities
- Conduct one-off, one-time tactical training and communication dealing with specific, highly-relevant issues/topics
- Maintain an internal data privacy intranet, privacy blog, or repository of privacy FAQs and information
- Maintain ongoing awareness material (e.g. posters, intranet, and videos)
- Hold an annual data privacy day/week
- Measure comprehension of data privacy concepts using exams
- Measure participation in data privacy training activities (e.g. numbers of participants, scoring)
- Require completion of data privacy training as part of performance reviews
- Provide data privacy information on system logon screens
- Maintain certification for individuals responsible for data privacy, including continuing professional education

### 6. Manage Information Security Risk

Maintain an information security program based on legal requirements and ongoing risk assessments

Privacy Management Activities

- Maintain an information security policy
- Maintain technical security measures (e.g. intrusion detection, firewalls, monitoring)
- Maintain administrative and technical measures to encrypt personal data in transmission and at rest, including removable media
- Maintain an acceptable use of information resources policy
- Maintain procedures to restrict access to personal information (e.g. role-based access, segregation of duties)
- Conduct a security risk assessment which considers data privacy risk
- Maintain a corporate security policy (protection of physical premises and hard assets)
- Maintain human resource security measures (e.g. pre-screening, performance appraisals)
- Maintain backup and business continuity plans
- Maintain a data-loss prevention strategy
- Maintain procedures to update security profile based on system updates and bug fixes
- Conduct regular testing of data security posture
- Maintain a security certification

### 7. Manage Third-Party Risk

Maintain contracts and agreements with third-parties and affiliates consistent with the data privacy policy, legal requirements, and operational risk tolerance

Privacy Management Activities

- Maintain data privacy requirements for vendors
- Maintain procedures to execute contracts or agreements with all processors
- Conduct due diligence around the data privacy and security posture of potential vendors/processors
- Maintain a vendor data privacy risk assessment process
- Use standard contractual clauses for disclosures to third-parties
- Maintain a policy governing use of cloud providers
- Maintain internal guidelines for contract templates that establish data privacy obligations in all contracts and agreements
- Maintain procedures to address instances of non-compliance with contracts and agreements
- Conduct ongoing due diligence around the data privacy and security posture of vendors/processors based on a risk assessment
- Review long-term contracts for new or evolving data protection risks

### 8. Maintain Notices

Maintain notices to individuals consistent with the data privacy policy, legal requirements, and operational risk tolerance

Privacy Management Activities

- Maintain a data privacy notice that details the organization's personal data handling policies
- Provide data privacy notice at all points where personal data is collected
- Provide notice by means of on-location signage, posters
- Provide notice in marketing communications (e.g. emails, flyers, offers)
- Provide notice in all forms, contracts, and terms
- Maintain scripts for use by employees to provide the data privacy notice
- Maintain a data privacy notice for employees (processing of employee personal data)
- Maintain a privacy Seal or Trustmark to increase customer trust

### 9. Maintain Procedures for Inquiries and Complaints

Maintain effective procedures for interactions with individuals about their personal data

Privacy Management Activities

- Maintain procedures to address complaints
- Maintain procedures to respond to access requests
- Maintain procedures to respond to requests to update or revise personal data
- Maintain procedures to respond to requests to opt-out
- Maintain procedures to respond to requests for information
- Maintain customer Frequently Asked Questions
- Maintain escalation procedures for serious complaints or complex access requests
- Maintain procedures to investigate root causes of data protection complaints
- Maintain metrics for data protection complaints (e.g. number, root cause)

### 10. Monitor for New Operational Practices

Monitor organisational practices to identify new processes or material changes to existing processes and ensure the implementation of Privacy by Design principles

Privacy Management Activities

- Maintain a Privacy by Design framework for all system and product development
- Maintain PIA guidelines and templates
- Conduct PIAs for new programs, systems, processes
- Maintain a procedure to address data protection issues identified during PIAs
- Maintain a product sign-off procedure that involves the Privacy Office
- Maintain a product life-cycle process to address privacy impacts of changes to existing programs, systems, or processes
- Maintain metrics for PIAs (e.g. number completed, turnaround time)

### 11. Maintain Data Privacy Breach Management Program

Maintain an effective data privacy incident and breach management program

Privacy Management Activities

- Maintain a documented data privacy incident/breach response protocol
- Maintain a breach notification (to affected individuals) and reporting (to regulators, credit agencies, law enforcement) protocol
- Maintain a breach incident log to track nature/type of all breaches
- Maintain data privacy incident/breach metrics (e.g. nature of breach, risk, root cause)
- Conduct periodic testing of breach protocol and document findings and changes made
- Engage a breach response remediation provider
- Engage a forensic investigation team
- Obtain data privacy breach insurance coverage
- Maintain a record preservation protocol to protect relevant log history

### 12. Monitor Data Handling Practices

Verify operational practices comply with the data privacy policy and operational policies and procedures

Privacy Management Activities

- Conduct self-assessments managed by the Privacy Office
- Conduct ad-hoc audits/assessments based on complaints/inquiries/breaches
- Conduct audits/assessments of the privacy program outside of the Privacy Office (e.g. Internal Audit)
- Benchmark results of audits/assessments (e.g. comparison to previous audit, comparison to other business units)
- Conduct ad-hoc walk-throughs
- Conduct assessments through use of an accountability agent or third-party verification
- Maintain privacy program metrics

### 13. Track External Criteria

Track new compliance requirements, expectations, and best practices

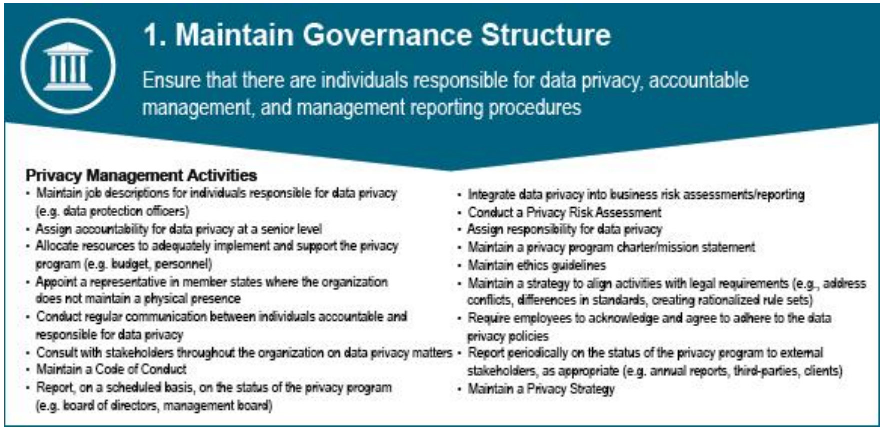
Privacy Management Activities

- Conduct ongoing research on developments in law
- Maintain subscription to compliance reporting service/law firm updates to stay informed on new developments
- Attend/participate in privacy conferences, industry associations, or think-tank events
- Record/report on the tracking of new Rule Sources or amendments to Rule Sources
- Seek legal opinions regarding recent developments in law
- Document that new requirements have been implemented (also document where a decision is made to not implement any changes, including reason)
- Maintain records or evidence that alerts are read and actions are taken (e.g. read daily and forwarded to key individuals as required)
- Review or participate in studies related to best practices in data privacy management

**= IMPLEMENTING ACCOUNTABILITY**

1. BASELINE
2. PLAN
3. IMPLEMENT

## ✓ BASELINE - Identify the Privacy Management Activities That Already Exist



### 1. Maintain Governance Structure

Ensure that there are individuals responsible for data privacy, accountable management, and management reporting procedures

**Privacy Management Activities**

- Maintain job descriptions for individuals responsible for data privacy (e.g. data protection officers)
- Assign accountability for data privacy at a senior level
- Allocate resources to adequately implement and support the privacy program (e.g. budget, personnel)
- Appoint a representative in member states where the organization does not maintain a physical presence
- Conduct regular communication between individuals accountable and responsible for data privacy
- Consult with stakeholders throughout the organization on data privacy matters
- Maintain a Code of Conduct
- Report, on a scheduled basis, on the status of the privacy program (e.g. board of directors, management board)
- Integrate data privacy into business risk assessments/reporting
- Conduct a Privacy Risk Assessment
- Assign responsibility for data privacy
- Maintain a privacy program charter/mission statement
- Maintain ethics guidelines
- Maintain a strategy to align activities with legal requirements (e.g., address conflicts, differences in standards, creating rationalized rule sets)
- Require employees to acknowledge and agree to adhere to the data privacy policies
- Report periodically on the status of the privacy program to external stakeholders, as appropriate (e.g. annual reports, third-parties, clients)
- Maintain a Privacy Strategy

Privacy Office Implements the Activity

→ *maintains activity*

OR

Privacy Office Influences the Activity

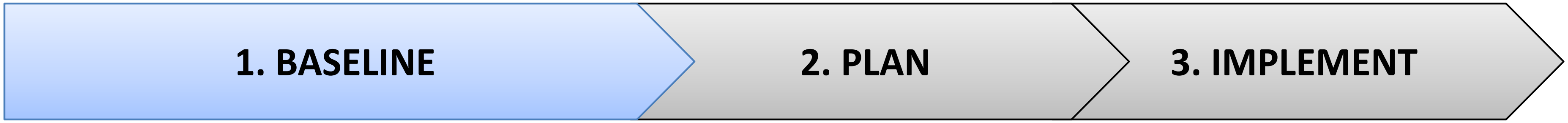
→ *supports functional or business units*

OR

Privacy Office Observes Activity

→ *independent of privacy office*

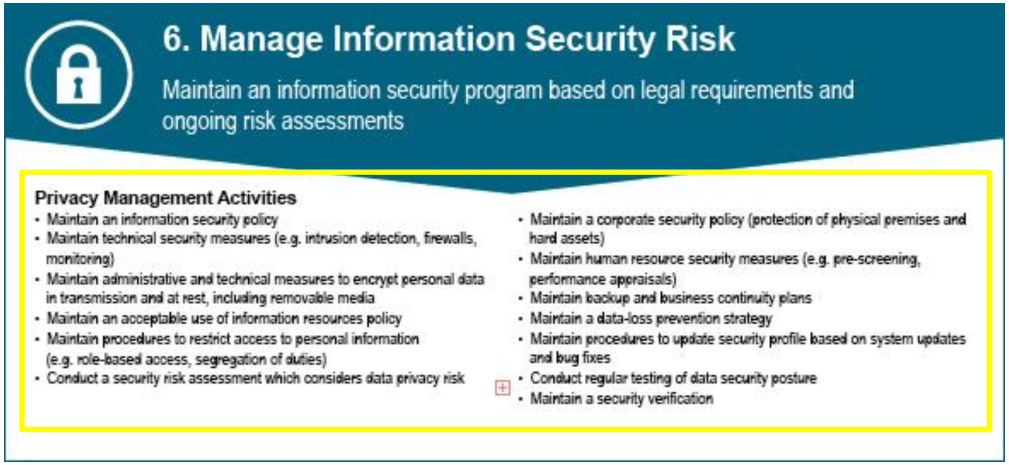
***Most organizations will find that they are already doing many of these activities***



1. BASELINE

2. PLAN

3. IMPLEMENT



## 6. Manage Information Security Risk

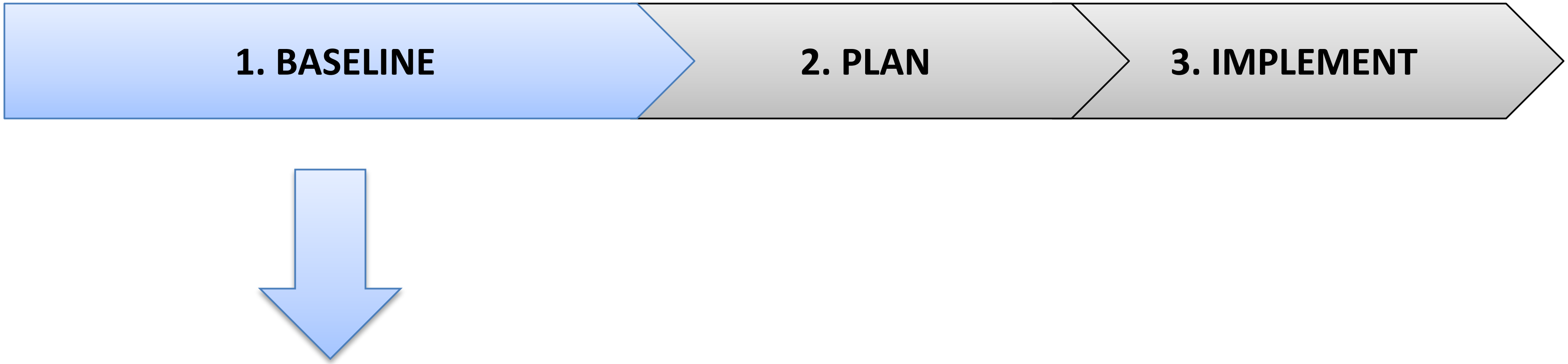
Maintain an information security program based on legal requirements and ongoing risk assessments

**Privacy Management Activities**

- Maintain an information security policy
- Maintain technical security measures (e.g. intrusion detection, firewalls, monitoring)
- Maintain administrative and technical measures to encrypt personal data in transmission and at rest, including removable media
- Maintain an acceptable use of information resources policy
- Maintain procedures to restrict access to personal information (e.g. role-based access, segregation of duties)
- Conduct a security risk assessment which considers data privacy risk
- Maintain a corporate security policy (protection of physical premises and hard assets)
- Maintain human resource security measures (e.g. pre-screening, performance appraisals)
- Maintain backup and business continuity plans
- Maintain a data-loss prevention strategy
- Maintain procedures to update security profile based on system updates and bug fixes
- Conduct regular testing of data security posture
- Maintain a security verification

- Use Framework as checklist to determine Activities exist within organization
- Determine Activities applicable to your organization, jurisdiction and industry

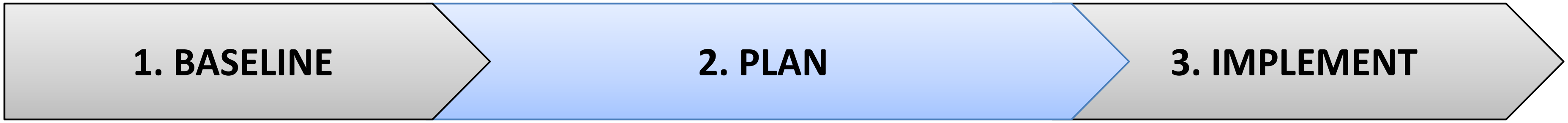
*Desired Privacy Management Activities become part of the plan*



## List of Current Activities

- ❑ Already Implemented

*Next Step: Plan privacy program*

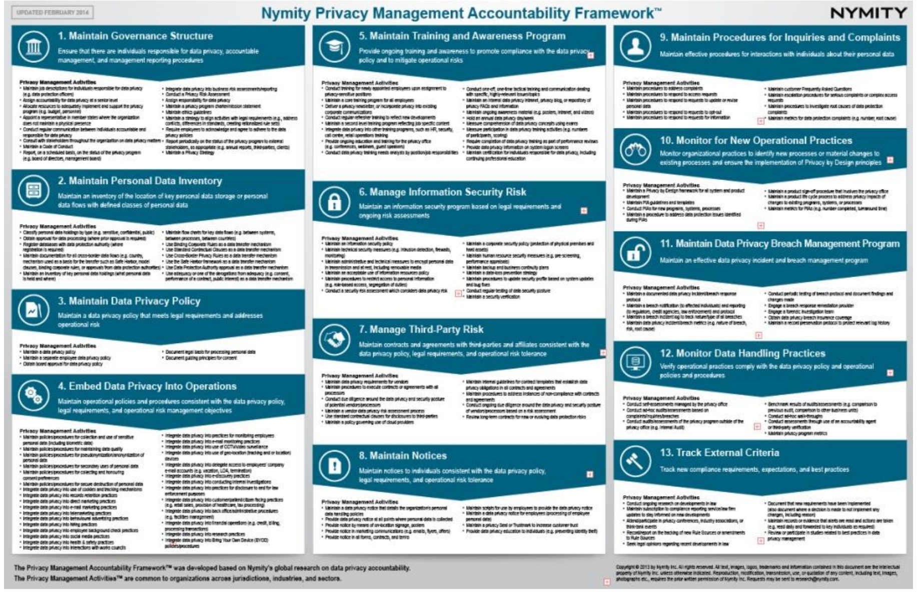


1. BASELINE

2. PLAN

3. IMPLEMENT

## ✓ PLAN Activities to be Implemented



UPDATED FEBRUARY 2014

### Nymity Privacy Management Accountability Framework™

NYMITY

#### 1. Maintain Governance Structure

Ensure that there are individuals responsible for data privacy, accountable management, and management reporting procedures

**Privacy Management Activities**

- Maintain job descriptions for individuals responsible for data privacy (e.g. data protection officers)
- Assign accountability for data privacy at a senior level
- Allocate resources to adequately implement and support the privacy program (e.g. budget, personnel)
- Appoint a representative in member states where the organization does not maintain a physical presence
- Conduct regular communication between individuals accountable and responsible for data privacy
- Consult with stakeholders throughout the organization on data privacy matters
- Maintain a Code of Conduct
- Report, on a scheduled basis, on the status of the privacy program (e.g. board of directors, management board)
- Integrate data privacy into business risk assessments/reporting
- Conduct a Privacy Risk Assessment
- Assign responsibility for data privacy
- Maintain a privacy program charter/mission statement
- Maintain ethics guidelines
- Maintain a strategy to align activities with legal requirements (e.g., address conflicts, differences in standards, creating rationalized rule sets)
- Require employees to acknowledge and agree to adhere to the data privacy policies
- Report periodically on the status of the privacy program to external stakeholders, as appropriate (e.g. annual reports, third-parties, clients)
- Maintain a Privacy Strategy

#### 2. Maintain Personal Data Inventory

Maintain an inventory of the location of key personal data storage or personal data flows with defined classes of personal data

**Privacy Management Activities**

- Classify personal data holdings by type (e.g. sensitive, confidential, public)
- Obtain approval for data processing (where prior approval is required)
- Register databases with data protection authority (where registration is required)
- Maintain documentation for all cross-border data flows (e.g. country, mechanism used as a basis for the transfer such as Safe Harbor, model clauses, binding corporate rules, or approvals from data protection authorities)
- Maintain an inventory of key personal data holdings (what personal data is held and where)
- Maintain flow charts for key data flows (e.g. between systems, between processes, between countries)
- Use Binding Corporate Rules as a data transfer mechanism
- Use Standard Contractual Clauses as a data transfer mechanism
- Use Cross-Border Privacy Rules as a data transfer mechanism
- Use the Safe Harbor framework as a data transfer mechanism
- Use Data Protection Authority approval as a data transfer mechanism
- Use adequacy or one of the derogations from adequacy (e.g. consent, performance of a contract, public interest) as a data transfer mechanism

#### 3. Maintain Data Privacy Policy

Maintain a data privacy policy that meets legal requirements and addresses operational risk

**Privacy Management Activities**

- Maintain a data privacy policy
- Maintain a separate employee data privacy policy
- Obtain board approval for data privacy policy
- Document legal basis for processing personal data
- Document guiding principles for consent

#### 4. Embed Data Privacy Into Operations

Maintain operational policies and procedures consistent with the data privacy policy, legal requirements, and operational risk management objectives

**Privacy Management Activities**

- Maintain policies/procedures for collection and use of sensitive personal data (including biometric data)
- Maintain policies/procedures for maintaining data quality
- Maintain policies/procedures for pseudonymization/anonymization of personal data
- Maintain policies/procedures for secondary uses of personal data
- Maintain policies/procedures for collecting and honouring consent preferences
- Maintain policies/procedures for secure destruction of personal data
- Integrate data privacy into use of cookies and tracking mechanisms
- Integrate data privacy into records retention practices
- Integrate data privacy into direct marketing practices
- Integrate data privacy into e-mail marketing practices
- Integrate data privacy into telemarketing practices
- Integrate data privacy into behavioural advertising practices
- Integrate data privacy into hiring practices
- Integrate data privacy into employee background check practices
- Integrate data privacy into social media practices
- Integrate data privacy into health & safety practices
- Integrate data privacy into interactions with works councils
- Integrate data privacy into practices for monitoring employees
- Integrate data privacy into e-mail monitoring practices
- Integrate data privacy into use of CCTV/video surveillance
- Integrate data privacy into use of geo-location (tracking and or location) devices
- Integrate data privacy into delegate access to employees' company e-mail accounts (e.g. vacation, LOA, termination)
- Integrate data privacy into e-discovery practices
- Integrate data privacy into conducting internal investigations
- Integrate data privacy into practices for disclosure to and for law enforcement purposes
- Integrate data privacy into customer/patient/citizen facing practices (e.g. retail sales, provision of healthcare, tax processing)
- Integrate data privacy into back office/administrative procedures (e.g. facilities management)
- Integrate data privacy into financial operations (e.g. credit, billing, processing transactions)
- Integrate data privacy into research practices
- Integrate data privacy into Bring Your Own Device (BYOD) policies/procedures

#### 5. Maintain Training and Awareness Program

Provide ongoing training and awareness to promote compliance with the data privacy policy and to mitigate operational risks

**Privacy Management Activities**

- Conduct training for newly appointed employees upon assignment to privacy-sensitive positions
- Maintain a core training program for all employees
- Deliver a privacy newsletter, or incorporate privacy into existing corporate communications
- Conduct regular refresher training to reflect new developments
- Maintain a second level training program reflecting job specific content
- Integrate data privacy into other training programs, such as HR, security, call centre, retail operations training
- Provide ongoing education and training for the privacy office (e.g. conferences, webinars, guest speakers)
- Conduct data privacy training needs analysis by position/job responsibilities
- Conduct one-off, one-time tactical training and communication dealing with specific, highly-relevant issues/topics
- Maintain an internal data privacy intranet, privacy blog, or repository of privacy FAQs and information
- Maintain ongoing awareness material (e.g. posters, intranet, and videos)
- Hold an annual data privacy day/week
- Measure comprehension of data privacy concepts using exams
- Measure participation in data privacy training activities (e.g. numbers of participants, scoring)
- Require completion of data privacy training as part of performance reviews
- Provide data privacy information on system logon screens
- Maintain certification for individuals responsible for data privacy, including continuing professional education

#### 6. Manage Information Security Risk

Maintain an information security program based on legal requirements and ongoing risk assessments

**Privacy Management Activities**

- Maintain an information security policy
- Maintain technical security measures (e.g. intrusion detection, firewalls, monitoring)
- Maintain administrative and technical measures to encrypt personal data in transmission and at rest, including removable media
- Maintain an acceptable use of information resources policy
- Maintain procedures to restrict access to personal information (e.g. role-based access, segregation of duties)
- Conduct a security risk assessment which considers data privacy risk
- Maintain a corporate security policy (protection of physical premises and hard assets)
- Maintain human resource security measures (e.g. pre-screening, performance appraisals)
- Maintain backup and business continuity plans
- Maintain a data-loss prevention strategy
- Maintain procedures to update security profile based on system updates and bug fixes
- Conduct regular testing of data security posture
- Maintain a security verification

#### 7. Manage Third-Party Risk

Maintain contracts and agreements with third-parties and affiliates consistent with the data privacy policy, legal requirements, and operational risk tolerance

**Privacy Management Activities**

- Maintain data privacy requirements for vendors
- Maintain procedures to execute contracts or agreements with all processors
- Conduct due diligence around the data privacy and security posture of potential vendors/processors
- Maintain a vendor data privacy risk assessment process
- Use standard contractual clauses for disclosures to third-parties
- Maintain a policy governing use of cloud providers
- Maintain internal guidelines for contract templates that establish data privacy obligations in all contracts and agreements
- Maintain procedures to address instances of non-compliance with contracts and agreements
- Conduct ongoing due diligence around the data privacy and security posture of vendors/processors based on a risk assessment
- Review long-term contracts for new or evolving data protection risks

#### 8. Maintain Notices

Maintain notices to individuals consistent with the data privacy policy, legal requirements, and operational risk tolerance

**Privacy Management Activities**

- Maintain a data privacy notice that details the organization's personal data handling policies
- Provide data privacy notice at all points where personal data is collected
- Provide notice by means of on-location signage, posters
- Provide notice in marketing communications (e.g. emails, flyers, offers)
- Provide notice in all forms, contracts, and terms
- Maintain scripts for use by employees to provide the data privacy notice
- Maintain a data privacy notice for employees (processing of employee personal data)
- Maintain a privacy Seal or Trustmark to increase customer trust
- Provide data privacy education to individuals (e.g. preventing identity theft)

#### 9. Maintain Procedures for Inquiries and Complaints

Maintain effective procedures for interactions with individuals about their personal data

**Privacy Management Activities**

- Maintain procedures to address complaints
- Maintain procedures to respond to access requests
- Maintain procedures to respond to requests to update or revise personal data
- Maintain procedures to respond to requests to opt-out
- Maintain procedures to respond to requests for information
- Maintain customer Frequently Asked Questions
- Maintain escalation procedures for serious complaints or complex access requests
- Maintain procedures to investigate root causes of data protection complaints
- Maintain metrics for data protection complaints (e.g. number, root cause)

#### 10. Monitor for New Operational Practices

Monitor organizational practices to identify new processes or material changes to existing processes and ensure the implementation of Privacy by Design principles

**Privacy Management Activities**

- Maintain a Privacy by Design framework for all system and product development
- Maintain PIA guidelines and templates
- Conduct PIAs for new programs, systems, processes
- Maintain a procedure to address data protection issues identified during PIAs
- Maintain a product sign-off procedure that involves the privacy office
- Maintain a product life cycle process to address privacy impacts of changes to existing programs, systems, or processes
- Maintain metrics for PIAs (e.g. number completed, turnaround time)

#### 11. Maintain Data Privacy Breach Management Program

Maintain an effective data privacy incident and breach management program

**Privacy Management Activities**

- Maintain a documented data privacy incident/breach response protocol
- Maintain a breach notification (to affected individuals) and reporting (to regulators, credit agencies, law enforcement) and protocol
- Maintain a breach incident log to track nature/type of all breaches
- Maintain data privacy incident/breach metrics (e.g. nature of breach, risk, root cause)
- Conduct periodic testing of breach protocol and document findings and changes made
- Engage a breach response remediation provider
- Engage a forensic investigation team
- Obtain data privacy breach insurance coverage
- Maintain a record preservation protocol to protect relevant log history

#### 12. Monitor Data Handling Practices

Verify operational practices comply with the data privacy policy and operational policies and procedures

**Privacy Management Activities**

- Conduct self-assessments managed by the privacy office
- Conduct ad-hoc audits/assessments based on complaints/inquiries/breaches
- Conduct audits/assessments of the privacy program outside of the privacy office (e.g. Internal Audit)
- Benchmark results of audits/assessments (e.g. comparison to previous audit, comparison to other business units)
- Conduct ad-hoc walk-throughs
- Conduct assessments through use of an accountability agent or third-party verification
- Maintain privacy program metrics

#### 13. Track External Criteria

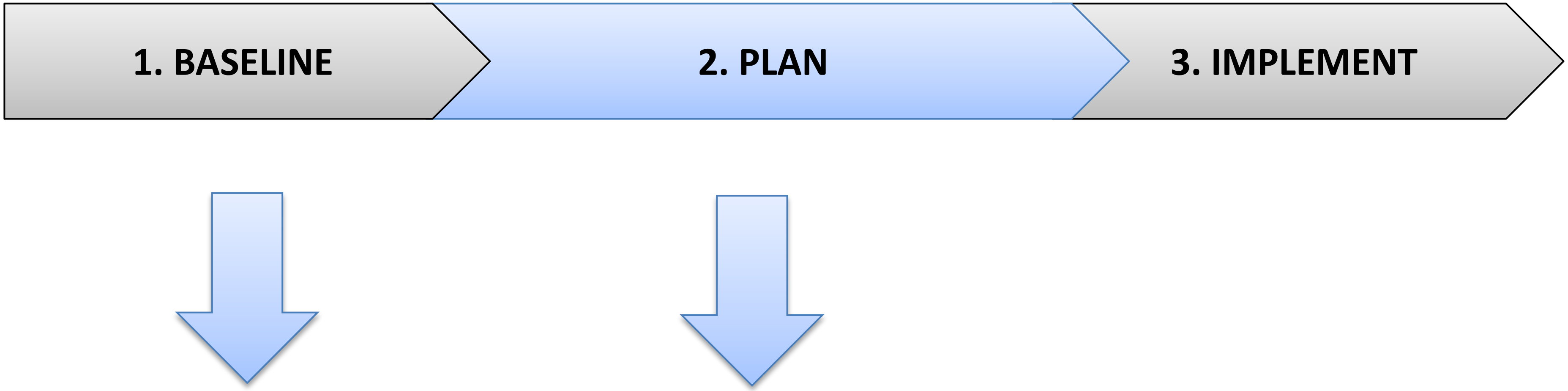
Track new compliance requirements, expectations, and best practices

**Privacy Management Activities**

- Conduct ongoing research on developments in law
- Maintain subscription to compliance reporting service/law firm updates to stay informed on new developments
- Attend/participate in privacy conferences, industry associations, or think-tank events
- Record/report on the tracking of new Rule Sources or amendments to Rule Sources
- Seek legal opinions regarding recent developments in law
- Document that new requirements have been implemented (also document where a decision is made to not implement any changes, including reason)
- Maintain records or evidence that alerts are read and actions are taken (e.g. read daily and forwarded to key individuals as required)
- Review or participate in studies related to best practices in data privacy management

**The Privacy Management Accountability Framework™ was developed based on Nymity's global research on data privacy accountability.**
**The Privacy Management Activities™ are common to organizations across jurisdictions, industries, and sectors.**

- ➢ Use Framework as Checklist to determine which Activities need to be put into place
- ➢ Determine timeline for Activities
- ➢ Determine sequence of Activities



1. BASELINE

2. PLAN

3. IMPLEMENT

- ✓ **List of Current Activities**
  - □ Already Implemented

- ✓ **List of Desired Activities**
  - □ Desired Activities Become the Plan
  - □ Activities Planned for Implementation
  - □ Sequence of Activities Required within your Organization

***Next Step: Implement privacy program***

1. BASELINE
2. PLAN
3. IMPLEMENT

## ✓ IMPLEMENT - Put the Activities into Place

- **Determine Scope of the Activity within your organization**
  - Role of the Activity within the organization
  - Role of the privacy office in managing the implementation of the Activity
  - Determine the Owner of the Activity
- **Determine Business Case**
  - Justification for the Activity
  - As necessary, based on your organization’s unique circumstances
- **Determine Sequence of the Activity versus other Activities in your Program**
- **Resources**
- **Execute**

***Accountability cannot be outsourced***

# IMPLEMENT EXAMPLES

pg. 20

| Privacy Management Process | Activities Owned by the Privacy Office | Activities Owned by Operational Units |
|---|---|---|
| **1. Maintain Governance Structure** | Maintain a Privacy Strategy | Require employees to acknowledge and agree to adhere to the data privacy policies<br>**Owner: Human Resources** |
| **2. Maintain Personal Data Inventory** | Maintain an inventory of key personal data holdings (what personal data is held and where) | Classify personal data holdings by type (e.g. sensitive, confidential, public)<br>**Owner: Corporate Records Management** |
| **3. Maintain Data Privacy Policy** | Maintain a data privacy policy | Maintain a separate employee data privacy policy<br>Owner: Human Resources |
| **4. Embed Data Privacy Into Operations** | Maintain policies/procedures for collection and use of sensitive personal data (including biometric data) | Integrate data privacy into direct marketing practices<br>**Owner: Marketing** |
| **5. Maintain Training and Awareness Program** | Maintain a core training program for all employees | Integrate data privacy into other training programs, such as HR, security, call centre, retail operations training<br>**Owner: Customer Service** |

# IMPLEMENT EXAMPLES

| Privacy Management Process | Activities Owned by the Privacy Office | Activities Owned by Operational Units |
|---|---|---|
| **6. Manage Information Security Risk** | Maintain an acceptable use of information resources policy<br>likely performed in conjunction with Information Security | Maintain technical security measures (e.g. intrusion detection, firewalls, monitoring)<br>**Owner: Information Security** |
| **7. Manage Third Party Risk** | Maintain a vendor data privacy risk assessment process | Maintain internal guidelines for contract templates that establish data privacy obligations in all contracts and agreements<br>**Owner: Legal** |
| **8. Maintain Notices** | Maintain a data privacy notice that details the organization's personal data handling policies | Provide notice by means of on-location signage, posters<br>**Owner: Facilities/Corporate Security** |
| **9. Maintain Procedures for Inquiries and Complaints** | Maintain procedures to investigate root causes of data protection complaints | Maintain procedures to address complaints<br>**Owner: Call Centre** |

***Various stakeholders conduct the activities***

# IMPLEMENT EXAMPLES

| Privacy Management Process | Activities Owned by the Privacy Office | Activities Owned by Operational Units |
|---|---|---|
| **10. Monitor for New Operational Practices** | Maintain PIA guidelines and templates | Conduct PIAs for new programs, systems, processes<br>**Activity Owner: Information Technology** |
| **11. Maintain Data Privacy Breach Management Program** | Maintain a documented data privacy incident/breach response protocol | Engage a forensic investigation team<br>**Activity Owner: Legal** |
| **12. Monitor Data Handling Practices** | Maintain privacy program metrics | Conduct audits/assessments of the privacy program outside of the privacy office (e.g. Internal Audit)<br>**Actitivity Owner: Internal Audit** |
| **13. Track External Criteria** | Maintain subscription to compliance reporting service/law firm updates to stay informed on new developments | Document that new requirements have been implemented (also document where a decision is made to not implement any changes, including reason)<br>**Activity Owner: Compliance** |

***Conducting activities produces documentation***

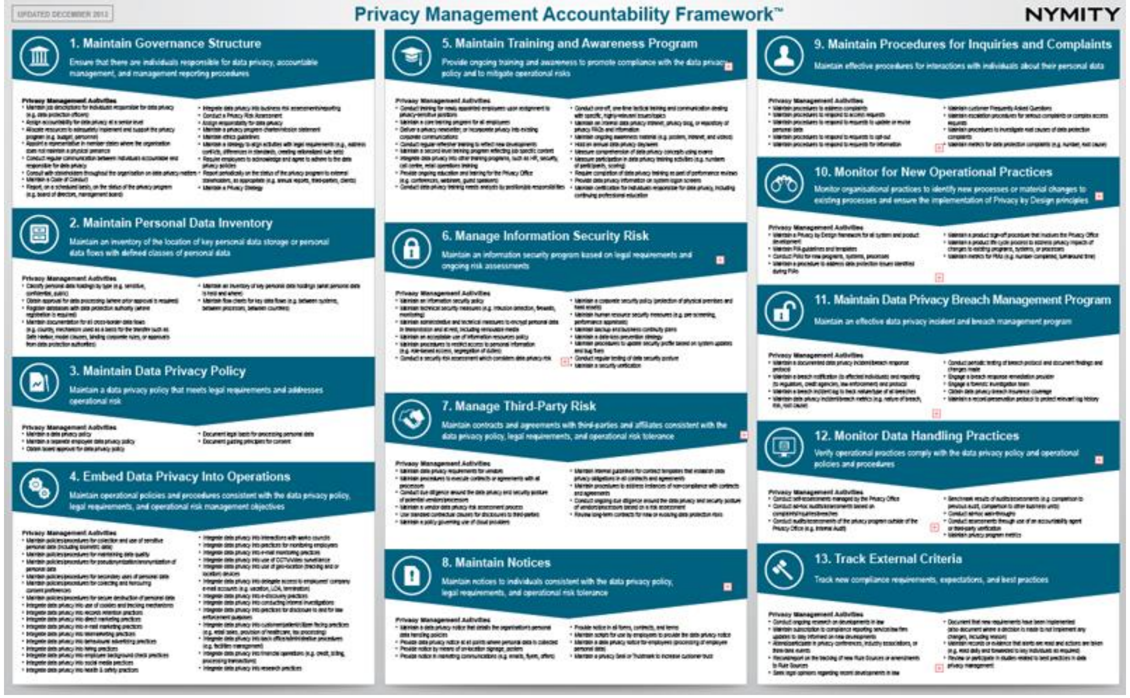
# NYMITY PRIVACY MANAGEMENT ACCOUNTABILITY FRAMEWORK

## Implementing Privacy Management Activities

**1. BASELINE**

**2. PLAN**

**3. IMPLEMENT**



UPDATED DECEMBER 2013

**Privacy Management Accountability Framework™**

NYMITY

**1. Maintain Governance Structure**

Ensure that there are individuals responsible for data privacy, accountable management, and management reporting procedures

Privacy Management Activities
- Maintain job descriptions for individuals responsible for data privacy (e.g. data protection officers)
- Assign accountability for data privacy at a senior level
- Allocate resources to adequately implement and support the privacy program (e.g. budget, personnel)
- Appoint a representative in member states where the organization does not maintain a physical presence
- Conduct regular communication between individuals accountable and responsible for data privacy
- Consult with stakeholders throughout the organization on data privacy matters
- Maintain a Code of Conduct
- Report, on a scheduled basis, on the status of the privacy program (e.g. board of directors, management board)
- Integrate data privacy into business risk assessments/reporting
- Conduct a Privacy Risk Assessment
- Assign responsibility for data privacy
- Maintain a privacy program charter/mission statement
- Maintain ethics guidelines
- Maintain a strategy to align activities with legal requirements (e.g., address conflicts, differences in standards, creating rationalized rule sets)
- Require employees to acknowledge and agree to adhere to the data privacy policies
- Report periodically on the status of the privacy program to external stakeholders, as appropriate (e.g. annual reports, third-parties, clients)
- Maintain a Privacy Strategy

**2. Maintain Personal Data Inventory**

Maintain an inventory of the location of key personal data storage or personal data flows with defined classes of personal data

Privacy Management Activities
- Classify personal data holdings by type (e.g. sensitive, confidential, public)
- Obtain approval for data processing (where prior approval is required)
- Register databases with data protection authority (where registration is required)
- Maintain documentation for all cross-border data flows (e.g. country, mechanism used as a basis for the transfer such as Safe Harbor, model clauses, binding corporate rules, or approvals from data protection authorities)
- Maintain an inventory of key personal data holdings (what personal data is held and where)
- Maintain flow charts for key data flows (e.g. between systems, between processes, between countries)

**3. Maintain Data Privacy Policy**

Maintain a data privacy policy that meets legal requirements and addresses operational risk

Privacy Management Activities
- Maintain a data privacy policy
- Maintain a separate employee data privacy policy
- Obtain board approval for data privacy policy
- Document legal basis for processing personal data
- Document guiding principles for consent

**4. Embed Data Privacy Into Operations**

Maintain operational policies and procedures consistent with the data privacy policy, legal requirements, and operational risk management objectives

Privacy Management Activities
- Maintain policies/procedures for collection and use of sensitive personal data (including biometric data)
- Maintain policies/procedures for maintaining data quality
- Maintain policies/procedures for pseudonymization/anonymization of personal data
- Maintain policies/procedures for secondary uses of personal data
- Maintain policies/procedures for collecting and honouring consent preferences
- Maintain policies/procedures for secure destruction of personal data
- Integrate data privacy into use of cookies and tracking mechanisms
- Integrate data privacy into records retention practices
- Integrate data privacy into direct marketing practices
- Integrate data privacy into e-mail marketing practices
- Integrate data privacy into telemarketing practices
- Integrate data privacy into behavioural advertising practices
- Integrate data privacy into hiring practices
- Integrate data privacy into employee background check practices
- Integrate data privacy into social media practices
- Integrate data privacy into health & safety practices
- Integrate data privacy into interactions with works councils
- Integrate data privacy into practices for monitoring employees
- Integrate data privacy into e-mail monitoring practices
- Integrate data privacy into use of CCTV/video surveillance
- Integrate data privacy into use of geo-location (tracking and or location) devices
- Integrate data privacy into delegate access to employees' company e-mail accounts (e.g. vacation, LOA, termination)
- Integrate data privacy into e-discovery practices
- Integrate data privacy into conducting internal investigations
- Integrate data privacy into practices for disclosure to and for law enforcement purposes
- Integrate data privacy into customer/patient/citizen facing practices (e.g. retail sales, provision of healthcare, tax processing)
- Integrate data privacy into back office/administrative procedures (e.g. facilities management)
- Integrate data privacy into financial operations (e.g. credit, billing, processing transactions)
- Integrate data privacy into research practices

**5. Maintain Training and Awareness Program**

Provide ongoing training and awareness to promote compliance with the data privacy policy and to mitigate operational risks

Privacy Management Activities
- Conduct training for newly appointed employees upon assignment to privacy-sensitive positions
- Maintain a core training program for all employees
- Deliver a privacy newsletter, or incorporate privacy into existing corporate communications
- Conduct regular refresher training to reflect new developments
- Maintain a second level training program reflecting job specific content
- Integrate data privacy into other training programs, such as HR, security, call centre, retail operations training
- Provide ongoing education and training for the Privacy Office (e.g. conferences, webinars, guest speakers)
- Conduct data privacy training needs analysis by position/job responsibilities
- Conduct one-off, one-time tactical training and communication dealing with specific, highly-relevant issues/topics
- Maintain an internal data privacy intranet, privacy blog, or repository of privacy FAQs and information
- Maintain ongoing awareness material (e.g. posters, intranet, and videos)
- Hold an annual data privacy day/week
- Measure comprehension of data privacy concepts using exams
- Measure participation in data privacy training activities (e.g. numbers of participants, scoring)
- Require completion of data privacy training as part of performance reviews
- Provide data privacy information on system logon screens
- Maintain certification for individuals responsible for data privacy, including continuing professional education

**6. Manage Information Security Risk**

Maintain an information security program based on legal requirements and ongoing risk assessments

Privacy Management Activities
- Maintain an information security policy
- Maintain technical security measures (e.g. intrusion detection, firewalls, monitoring)
- Maintain administrative and technical measures to encrypt personal data in transmission and at rest, including removable media
- Maintain an acceptable use of information resources policy
- Maintain procedures to restrict access to personal information (e.g. role-based access, segregation of duties)
- Conduct a security risk assessment which considers data privacy risk
- Maintain a corporate security policy (protection of physical premises and hard assets)
- Maintain human resource security measures (e.g. pre-screening, performance appraisals)
- Maintain backup and business continuity plans
- Maintain a data-loss prevention strategy
- Maintain procedures to update security profile based on system updates and bug fixes
- Conduct regular testing of data security posture
- Maintain a security certification

**7. Manage Third-Party Risk**

Maintain contracts and agreements with third-parties and affiliates consistent with the data privacy policy, legal requirements, and operational risk tolerance

Privacy Management Activities
- Maintain data privacy requirements for vendors
- Maintain procedures to execute contracts or agreements with all processors
- Conduct due diligence around the data privacy and security posture of potential vendors/processors
- Maintain a vendor data privacy risk assessment process
- Use standard contractual clauses for disclosures to third-parties
- Maintain a policy governing use of cloud providers
- Maintain internal guidelines for contract templates that establish data privacy obligations in all contracts and agreements
- Maintain procedures to address instances of non-compliance with contracts and agreements
- Conduct ongoing due diligence around the data privacy and security posture of vendors/processors based on a risk assessment
- Review long-term contracts for new or evolving data protection risks

**8. Maintain Notices**

Maintain notices to individuals consistent with the data privacy policy, legal requirements, and operational risk tolerance

Privacy Management Activities
- Maintain a data privacy notice that details the organization's personal data handling policies
- Provide data privacy notice at all points where personal data is collected
- Provide notice by means of on-location signage, posters
- Provide notice in marketing communications (e.g. emails, flyers, offers)
- Provide notice in all forms, contracts, and terms
- Maintain scripts for use by employees to provide the data privacy notice
- Maintain a data privacy notice for employees (processing of employee personal data)
- Maintain a privacy Seal or Trustmark to increase customer trust

**9. Maintain Procedures for Inquiries and Complaints**

Maintain effective procedures for interactions with individuals about their personal data

Privacy Management Activities
- Maintain procedures to address complaints
- Maintain procedures to respond to access requests
- Maintain procedures to respond to requests to update or revise personal data
- Maintain procedures to respond to requests to opt-out
- Maintain procedures to respond to requests for information
- Maintain customer Frequently Asked Questions
- Maintain escalation procedures for serious complaints or complex access requests
- Maintain procedures to investigate root causes of data protection complaints
- Maintain metrics for data protection complaints (e.g. number, root cause)

**10. Monitor for New Operational Practices**

Monitor organisational practices to identify new processes or material changes to existing processes and ensure the implementation of Privacy by Design principles

Privacy Management Activities
- Maintain a Privacy by Design framework for all system and product development
- Maintain PIA guidelines and templates
- Conduct PIAs for new programs, systems, processes
- Maintain a procedure to address data protection issues identified during PIAs
- Maintain a product sign-off procedure that involves the Privacy Office
- Maintain a product life cycle process to address privacy impacts of changes to existing programs, systems, or processes
- Maintain metrics for PIAs (e.g. number completed, turnaround time)

**11. Maintain Data Privacy Breach Management Program**

Maintain an effective data privacy incident and breach management program

Privacy Management Activities
- Maintain a documented data privacy incident/breach response protocol
- Maintain a breach notification (to affected individuals) and reporting (to regulators, credit agencies, law enforcement) protocol
- Maintain a breach incident log to track nature/type of all breaches
- Maintain data privacy incident/breach metrics (e.g. nature of breach, risk, root cause)
- Conduct periodic testing of breach protocol and document findings and changes made
- Engage a breach response remediation provider
- Engage a forensic investigation team
- Obtain data privacy breach insurance coverage
- Maintain a record preservation protocol to protect relevant log history

**12. Monitor Data Handling Practices**

Verify operational practices comply with the data privacy policy and operational policies and procedures

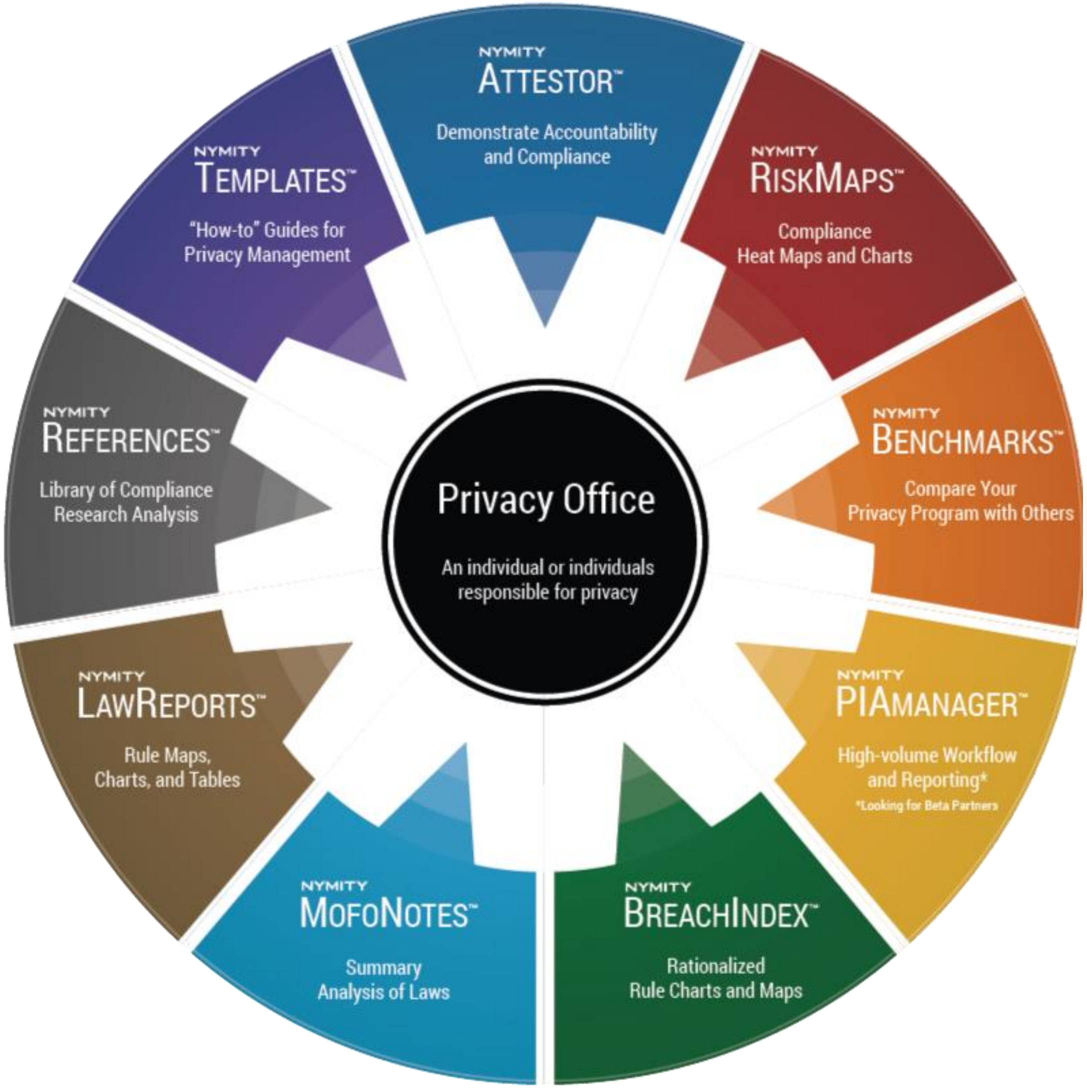
Privacy Management Activities
- Conduct self-assessments managed by the Privacy Office
- Conduct ad-hoc audits/assessments based on complaints/inquiries/breaches
- Conduct audits/assessments of the privacy program outside of the Privacy Office (e.g. Internal Audit)
- Benchmark results of audits/assessments (e.g. comparison to previous audit, comparison to other business units)
- Conduct ad-hoc walk-throughs
- Conduct assessments through use of an accountability agent or third-party verification
- Maintain privacy program metrics

**13. Track External Criteria**

Track new compliance requirements, expectations, and best practices

Privacy Management Activities
- Conduct ongoing research on developments in law
- Maintain subscription to compliance reporting service/law firm updates to stay informed on new developments
- Attend/participate in privacy conferences, industry associations, or think-tank events
- Record/report on the tracking of new Rule Sources or amendments to Rule Sources
- Seek legal opinions regarding recent developments in law
- Document that new requirements have been implemented (also document where a decision is made to not implement any changes, including reason)
- Maintain records or evidence that alerts are read and actions are taken (e.g. read daily and forwarded to key individuals as required)
- Review or participate in studies related to best practices in data privacy management

## = IMPLEMENTING ACCOUNTABILITY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"How-to" Guides for Privacy Management
Privacy Office
An individual or individuals responsible for privacy

# THANK YOU!

CONTACT DETAILS:
Karinna Neumann
karinna.neumann@nymity.com
+1 647 260 6230 x221
Skype: karinnaneumann

www.nymity.com

@nymity

company/nymity-inc.