Northern Virginia Chapter ARMA NOVA
Building Success Through Relationships

Welcome to our March Webinar



- **ARMA NOVA Goals:**
  - Increase chapter membership and participation
  - Provide opportunities for Learning, Networking and Educational Credits
- Events and new meeting formats – Webinars and virtual events
  - Easier to network and gain information to advance information governance programs and career
  - Staying safe with remote meetings!
- Continued partnership with ARMA Metro MD, AIIM and others
- Welcome to the 2021 ARMA NOVA Board (https://arma-nova.org/)
  - President: Dan Beard
  - Vice President: Richard Hogg
  - Secretary: Jack McFarlane
  - Treasurer: Mary Beth Weaver
  - Education Director: Elizabeth Adkins
  - Director at Large: Liane Cooper
  - Membership Director: Elisabeth Butler

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ARMA NOVA Upcoming Events

Dan Beard, Chapter President

- **April 21st - NARA Updates in Light of COVID-19**
  Speaker: Lisa Haralampus, Director, Records Management Policy & Outreach at NARA

- **May 19th – The Next Big Thing – "Small Data"**
  Speaker: Dean Gonsowski, Chief Revenue Officer at ActiveNav

Check out our website for upcoming events:

ARMA NOVA - Programs (arma-nova.org)

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Today's Event

THE ACCELERATING RATE OF PRIVACY REGULATORY CHANGE

- The global rate of privacy regulation changes continues to accelerate.
  - California's CCPA becomes CPRA
  - UK, GDPR, EU and Brexit.
  - Invalidation of the EU/US Privacy Shield

The session will review the latest privacy regulations that affect our organizations, discuss their impacts and how to apply them.

Speakers:

Mark Williams, Associate at White and Case, LLP

Richard Hogg, Director of Information Governance at White and Case LLP

THE ACCELERATING RATE OF PRIVACY REGULATORY CHANGE

Introductions



Mark Williams

Attorney, Commercial Litigation

mark.williams@whitecase.com

Mark advises companies on data, privacy, and cybersecurity issues, including compliance, investigations, and transactions. He aids companies in their efforts to comply with a variety of data privacy and cybersecurity laws, including the California Consumer Privacy Act (CCPA) and the European General Data Protection Regulation (GDPR). Mark also has represented companies in investigations brought by American and European regulators addressing data practices and competition issues related to the collection and use of data.



Richard Hogg

Global InfoGov Director

richard.hogg@whitecase.com

Responsible for global information governance across all of the Firm's offices and functions including records management, privacy and legal holds. His mission is to keep the Firm compliant and reduce the friction in finding, keeping and using information. With 20 years global experience across InfoGov, previously IBM's global privacy evangelist and workstream leader in their global program.

Agenda

- Privacy Drivers
- The Evolving Regulatory Landscape
- The Risks
- Global Impacts
- US Impacts & Trends
- Breaches
- Local, Latest
- What have You Done?
- What you Can Do

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Why is Privacy Important?



Regulatory requirements at the international, national, state, and local levels are increasing



Failure to comply can lead to fines, penalties, and litigation



We need to embrace the value of protecting the personal data of our own employees, as well as those with whom we do business



It's the right thing to do & ever more - (GDPR, CCPA etc.) it's a Must Do

EU & California: Your Privacy Rights

Data Subject / Consumer Rights



Erasure

You have the right to have your data deleted.



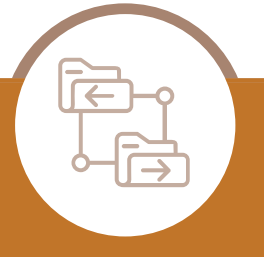
Consent

You must be informed in clear and plain language. If the controller is relying on your consent, you have the right to withdraw your consent.



Access

You have the right to know what data has been collected about you and how it's been processed.



Portability

You have the right to transfer your data from one processing system into another.



Correction

You have the right to make changes to inaccurate data.

EU GDPR Data Protection/Privacy Regulation May 25 2018
California CCPA July 1 2020, to be replaced by CPRA Jan 1 2023

Evolving Definition of Personal Data



Core Purposes of Privacy Regulations:

- Rules to protect natural persons (individuals) when their personal data are processed
- Rules on the free movement of personal data *Article 1(1) GDPR
- Does not apply to deceased individuals
- Does not apply to legal entities (i.e. companies)

The Myth of the Privacy Paradox



The phenomenon where people say that they value privacy highly, yet in their behavior relinquish their personal data for very little in exchange or fail to use measures to protect their privacy

Professor Daniel J. Solove, GW Law.

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3536265

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Evolving Regulatory Landscape

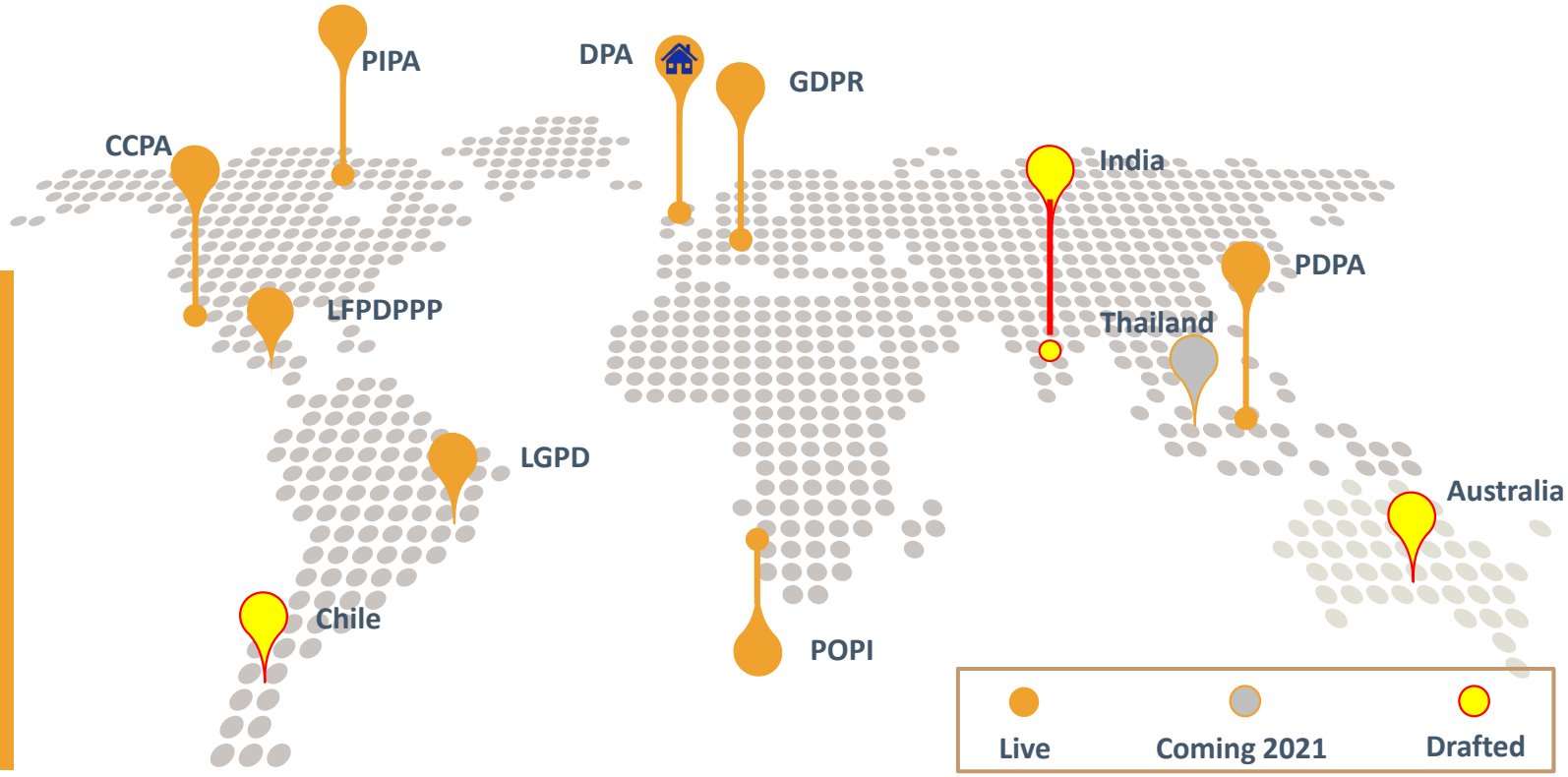
Similarities at the core, but different duties across regulations

GDPR

88%
Spent >$1 M

40%
Spent >$10 M

$78B
U.S. costs so far

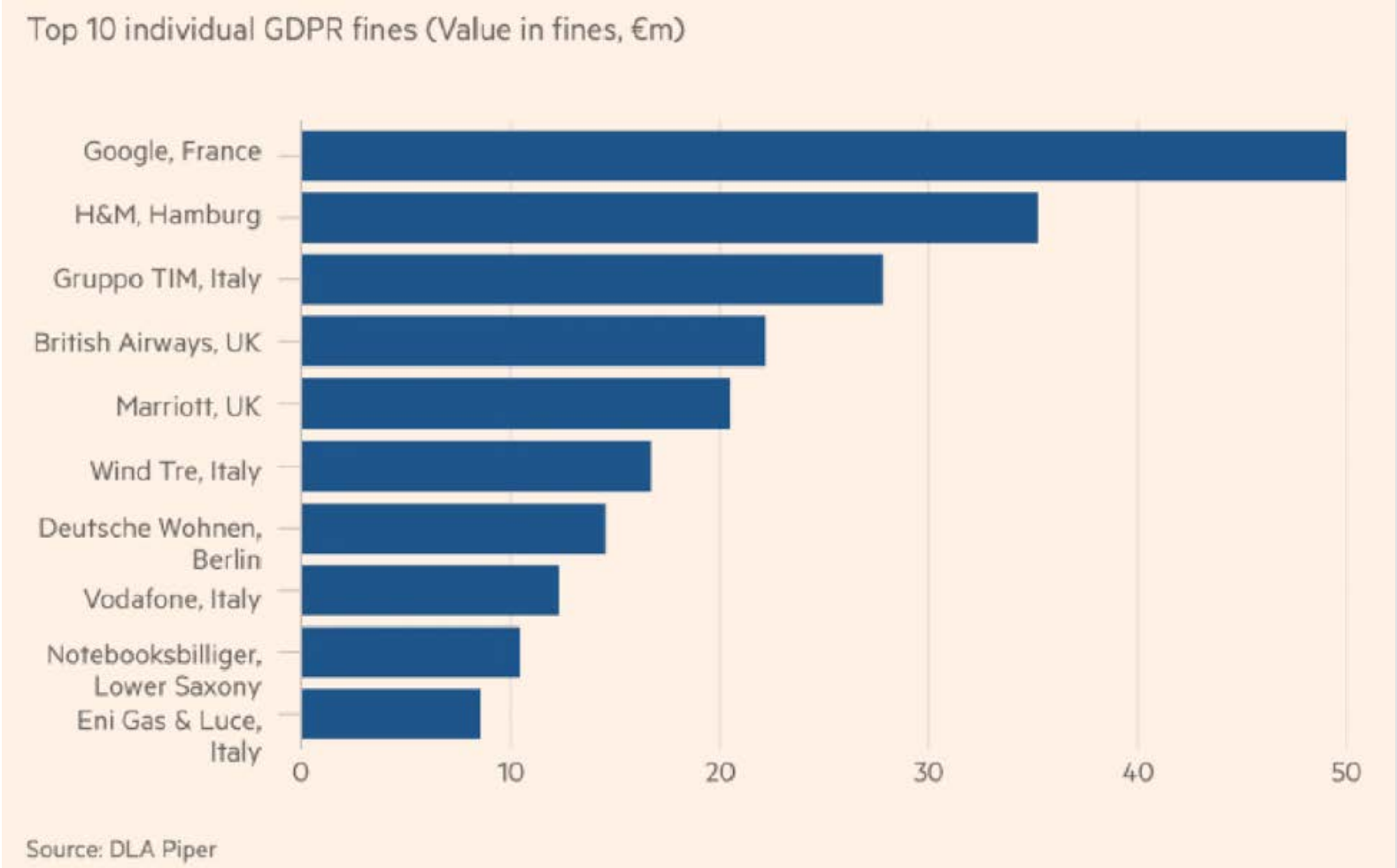


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2020 Privacy penalties jumped 40%

- € 272 M levied in fines since GDPR went live in 2018
- 50% imposed by Italy and Germany
- € 159 M imposed in the last year, a 40% increase since GDPR went live
- € 50 M largest fine against Google from CNIL, on a lack of data transparency and lacking clear legal basis for personalizing advertising
- Sectors most impacted – Retail, Hospitality, Telecoms and Energy
- Data breach notifications have too escalated, exceeding 200,000 from 2018



2020 USA
FCC Fines Big-Four Carriers $208 Million For Location Privacy Violations



- The FCC's proposed fines are as follows: T-Mobile ($91 M); AT&T ($57 M); Verizon ($48 M) and Sprint ($12 M)
- "The size of the proposed fines for the four wireless carriers differs based on the length of time each carrier apparently continued to sell access to its customer location information without reasonable safeguards and the number of entities to which each carrier continued to sell such access," - the Commission said in a news release
- Carriers 'violated federal law' by selling your location data, FCC tells Congress

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Global Impacts

- GDPR as the de-facto standard
- GDPR & Extra-territoriality
- EU/US Privacy Shield
- Brexit
- International Data Transfers
- Many other countries have or are refreshing their Privacy regulations

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US Impacts & Trends

- California has progressed the most around Privacy so far
- They are not alone, 15 other states tried or are trying
- Will we get to a Federal Privacy Regulation?
- US Business Impacts and Realities?

CPRA – The Latest

- CPRA vote passed in November, 2020 replacing CCPA in California

Scope changed for businesses handling the personal information of 100,000 residents or households, from 50,000

Automatic $7500 fine for violations on the personal information of minors
Required annual cybersecurity audit

Exempting some vehicle information related to warranty repairs and recalls.

Employee and B2B rights extension to January 1 2023
Sensitive personal information now included

Keep up to date at the IAPP CCPA-CPRA Site



Seek your own privacy legal counsel.

Need for a US Federal Privacy Law?



'This Is Surveillance.' Apple CEO Tim Cook Slams Tech Rivals Over Data Collection









FTC fines app TikTok/Musical.ly $5.7 million for child data privacy violations

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Breaches

- Note that all 50 states now have their own data breach regulations
- Breach definitions
- Breach Reporting & Deadlines
- Costs and Risks

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Local, Latest

- Hot off the press!
- Virginia just passed their own data privacy regulation ---- what's different or similar to CPRA etc?

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What have You Done?

- Have you exercised your own privacy rights?
- How?

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Privacy Impact Assessments



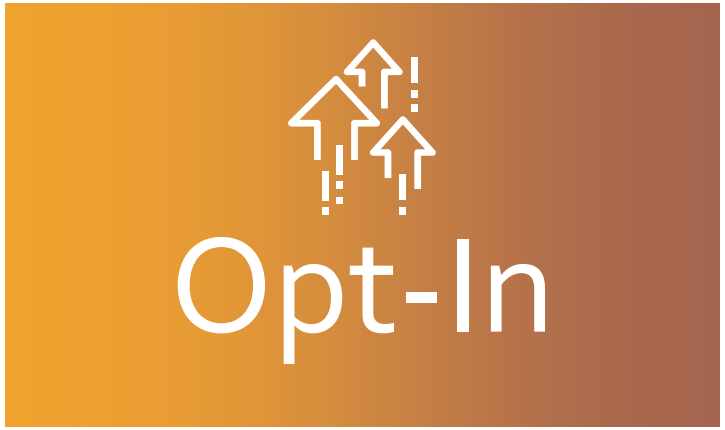
"an analysis of how information is handled: (i) to ensure handling conforms to applicable legal, regulatory, and policy requirements regarding privacy; (ii) to determine the risks and effects of collecting, maintaining, and disseminating information in identifiable form in an electronic information system; and (iii) to examine and evaluate protections and alternative processes for handling information to mitigate potential privacy risks"

- Do you need any or all of the personal data? Strive for data minimization.
- Review and address any international data transfer needs
- Get approval through an information governance checklist (ensure any new tool or service can tick the boxes of "how does it handle retention / legal-holds / disposal AND privacy rights" etc.)
- Review with your business leaders, local or global Data Privacy Officer or the Information Governance team

Privacy By Design

- based on seven "foundational principles":

1. Proactive not reactive; preventative not remedial
2. End-to-end security – full lifecycle protection
3. Privacy as the default setting
4. Visibility and transparency – keep it open
5. Privacy embedded into design
6. Respect for user privacy – keep it user-centric
7. Full functionality – positive-sum, not zero-sum

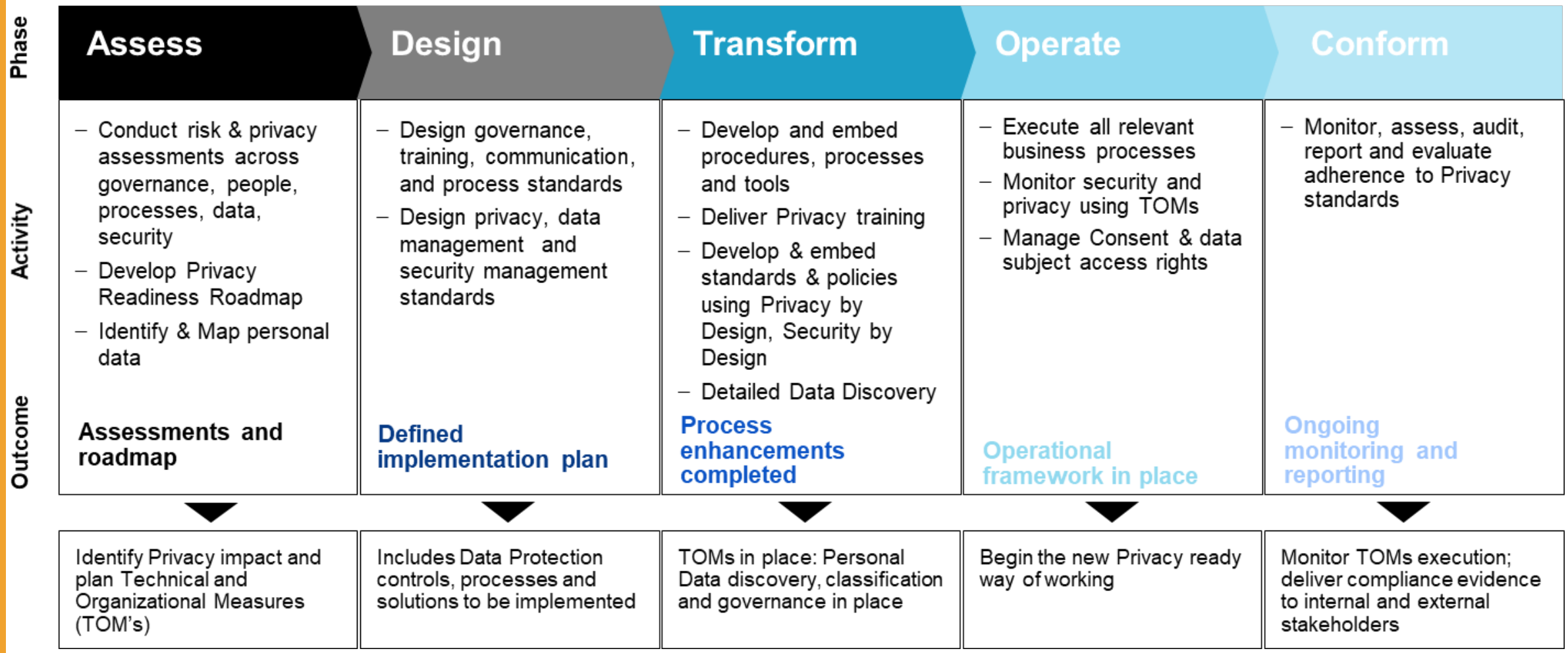


Apple Maps Image Collection

Making Siri smart without endangering Privacy

https://en.wikipedia.org/wiki/Privacy_by_design

Data Privacy & Protection Readiness Methodology



Key Foundational Elements for Privacy & Records and Information Management

- Collaborative relationships with allies and stakeholders
- Records retention policies
- Training and awareness
- Data classification and controls
- Information security

Data inventory/data mapping/file plans

- More than just what data (types) are where (in each data source)
- Also includes for what purpose are we collecting, using and storing that data?

Governance guidelines for new technologies

- Integration into application development processes

Additional Privacy Resources



International Association of Privacy Professionals



Privacy laws around the world



Privacy Impact Assessment template



US state privacy law comparison



Virginia joins California



CPRA Dust Settles

Questions?

Please use the Meeting Chat

Closing

Dan Beard, Chapter President

Reminder - materials will be shared on the chapter website

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