



Canada Arizona Business Council

Quarterly Meeting

May 10, 2019

Global Executive Compliance









- Based in Arizona,
 serves clients in the
 North America and
 Europe to help
 establish and maintain
 GDPR compliance.
- Corporate LeadershipWorkshops
- Training Seminars
- Brown Bag Sessions

- Data Protection
 Impact Assessments
- Risk Assessments
- Gap Analysis

Initial Consultations

- Policy Framework Reviews
- GDPR Compliance
 Document Development





Who Said It?

The fantastic advances in the field of electronic communication constitute a greater danger to the privacy of the individual…

~ Earl Warren 14th Chief Justice of the United States (1953-1969)



Data Privacy History

1950 – EU Convention on Human Rights

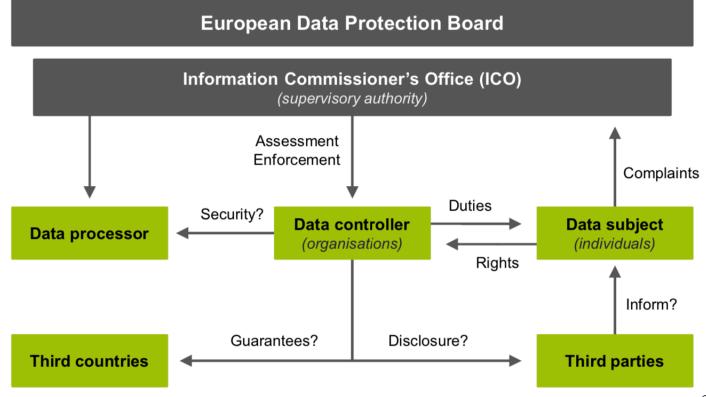
1981 – EU Treaty 108

1995 – EU Data Protection Directive (95/46/EC)

1998 – Human Rights Act (HRA 1998)



What is GDPR? General Data Protection Regulations











General Data Protection Regulations





Principles – Personal data should be:



Collected for specified, explicit and legitimate purposes



 Adequate, relevant and limited to what is necessary Accurate and, where necessary, kept up to date

 Retained only as long as necessary

 Processed in an appropriate manner to maintain security



Is This a Real Threat?













Does This Really Affect My Business?

Do you conduct business in the European Union?

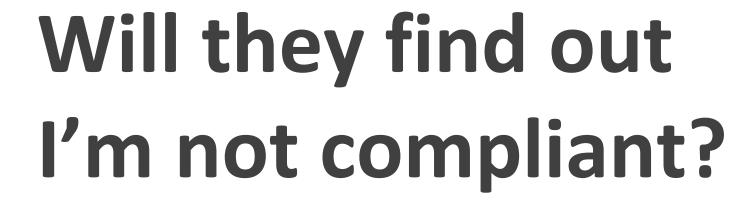
Do you collect personal data on EU citizens?



Global Reach Does someone in your office make travel arrangements for employees?

Are any of your customers citizens of an EU member state?







Non-Compliance



Failure to protect data by putting proper safeguards in place



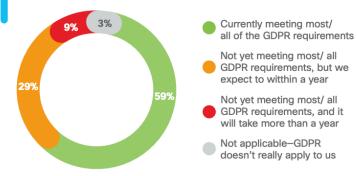
Violation of a person's data protection rights

- Fines for Failure to Implement Proper Procedures
 - > €10,000,000 or 2% total worldwide annual turnover in prior financial year, whichever is greater
- Fines for Violating a Person's Rights (includes sending data wrongfully)
 - > €20,000,000 or 4% total worldwide annual turnover in prior financial year, whichever is greater

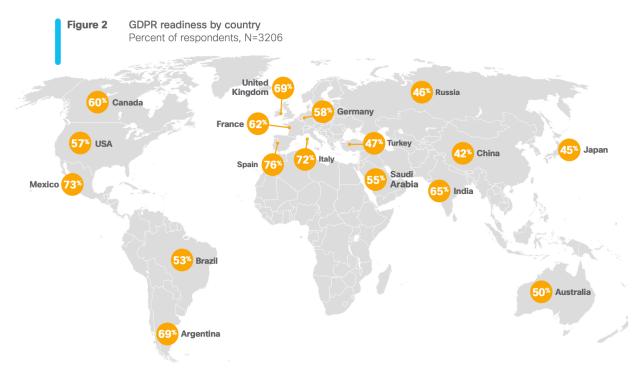


Who's Ready?

Figure 1 GDPR readiness
Percent of respondents, N=3206



Source: Cisco 2019 Data Privacy Benchmark Study, n=3206





Source: Cisco 2019 Data Privacy Benchmark Study

PIPEDA

Personal Information Protection and Electronic Documents Act

PIPEDA regulates the collection, use and disclosure of "personal information" in the course of a "commercial activity" by private sector organizations in all provinces and territories except British Columbia, Alberta and Québec (each of which has a substantially similar personal information protection law).

PIPEDA also applies in all provinces and territories to the collection, use and disclosure of personal information in the course of a commercial activity by all organizations that operate a "federal work, undertaking or business" (e.g. banks, telecommunications and transportation companies) or that transfer personal information across a provincial border for consideration.



Principles – Fair Information Principles:



Accountability

> Identifying purposes

Consent

Limiting Collection

 Limiting Use, Disclosure and Retention

Accuracy

Safeguards

Openness

Individual Access

> Challenging Compliance



Principles – Seven Guiding Principles for Meaningful Consent:



- > Emphasize Key Elements
- Provide individuals with clear options to say 'yes' or 'no'
- Consider the consumer's perspective
- Be accountable: Stand ready to demonstrate compliance

- Allow individuals to control the level of detail they get and when
- Be innovative and creative
- Make consent a dynamic and ongoing process



Other Country Legislation

Countries with Adequate Data Protection Laws (According to the EU)

- Andorra
- Argentina
- Canada
- Faroe Islands
- Guernsey
- Isle of Man
- Israel
- Jersey
- New Zealand
- Switzerland
- Uruguay

Global Privacy Laws Jurisdiction

- Europe GDPR
- Japan
- South Korea
- Brazil
- India
- Taiwan
- Singapore
- Thailand



U.S. Equivalent





State Legislation

California Consumer Privacy Act

"a legal and enforceable right of privacy for every Californian"

- require businesses to make disclosures about the collection of personal information, the categories of personal information collected, the purposes for collecting and selling personal information, and the categories of third parties with which personal information is shared;
- authorize consumers to opt-out of having their personal information sold by a business while prohibiting that business from discriminating against the consumer for exercising this right;
- authorize businesses to offer financial incentives for the collection of personal information;
- prohibit businesses from selling the personal information of consumers under the age of 16 years;
- require data breach notification.

Other Early States…

- Hawaii (January 2019)
- Massachusetts (January 2019)
- New Mexico (January 2019)
- Rhode Island (January 2019)
- Maryland (February 2019)
- Washington (March 2019)



