DATA PROTECTION CONFERENCE 2016
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Breakaway Session 1: Data Protection and Privacy Impact Assessments

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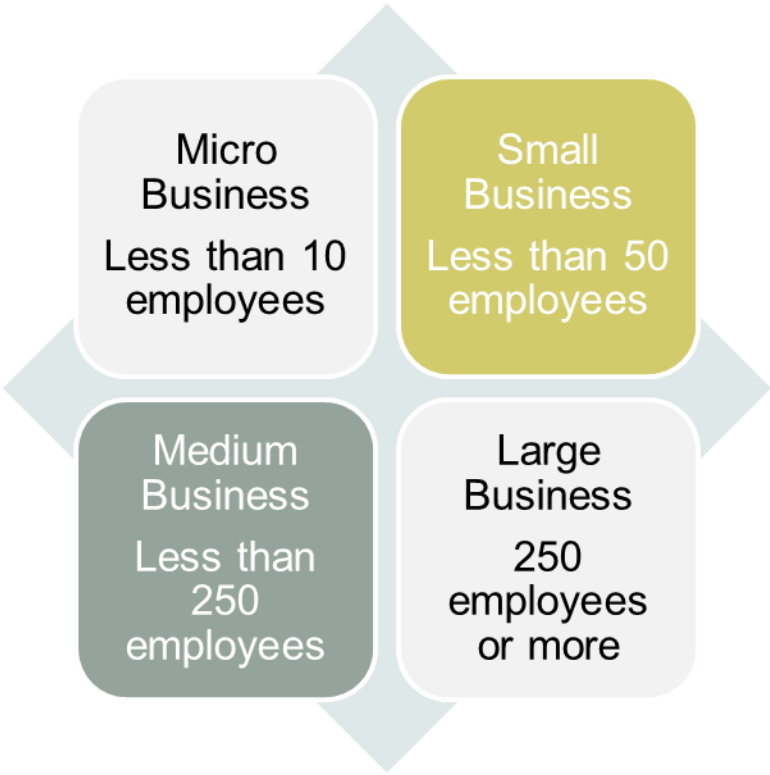
Challenges faced by SMEs

- Recognise value of personal data
- Limited financial resources
- Concern over data security
- Lack of in-house IT expertise
- Lack of dedicated data protection officer



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Data Protection – Barrier or Benefit?

- Perceived as barrier due complexity
- Protects consumers and businesses
- Helps build trust between consumers and businesses
- Improves business practices
- Better IT security
- Less risk of data breaches

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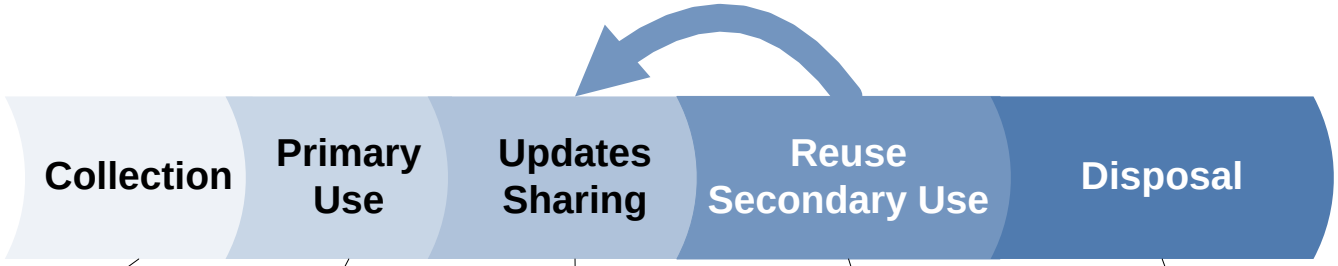
Lifecycle of data



Example

Collection	Primary Use	Updates Sharing	Reuse Secondary Use	Disposal
Mr M completes application form to open mobile phone account	Mr M's data is processed and mobile phone account is opened	Updates: Phone bill is generated for Mr M's account. Sharing: Sales team collects a list of customers' contact details, including Mr M's.	Reuse: Phone bill is sent to Mr M. Secondary Use: Sales team contacts Mr M, trying to sell him a product.	Mr M closes account. Company deletes/ archives account.

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What is data protection?

- The means of protecting personal data, and the systems that hold that data, from unauthorised access, use, disclosure, disruption, modification, perusal, inspection, recording or destruction.
- To protect the privacy of individuals
- In order not to put them at risk of harm

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Risk of Harm

When personal data is

- inadequate, insufficient or out of date
- excessive or irrelevant
- kept for too long
- improperly disclosed to others
- used in ways that are unacceptable or unexpected by the person it is about
- used or misused
- not kept securely

Individual at risk of

- physical harm
- threat to emotional wellbeing
- financial loss
- fear of identity theft
- damage to personal relationships
- humiliation/ embarrassment
- harassment
- annoyance

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Data Protection Act

- To protect the privacy of individuals by regulating how organisations process personal data.
- Gives meaning to:
  - Article 8 (1) of the Human Rights Act 1998 (UK), *"Everyone has the right to respect for his private and family life, his home and his correspondence"*
  - Article 18 (2) of the Constitution of the Republic of Ghana 1992, *"No person shall be subjected to interference with the privacy of his home, property, correspondence or communication…"*

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Principles of the UK Data Protection Act

- Principle 1 – fair and lawful
- Principle 2 – purposes
- Principle 3 – adequacy
- Principle 4 – accuracy
- Principle 5 – retention
- Principle 6 – rights
- Principle 7 – security
- Principle 8 – international

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Key Terminology

- Personal data: information that can be used on its own or with other information to identify an individual
- Processing: collection, use, disclosure, retention or disposal of personal data
- Sensitive personal data: personal data that may put an individual at substantial risk of harm should their privacy not be respected
- Privacy: Informational privacy. Right of individual to decide how, when and to what extent their personal data is processed
- Privacy risk: Risk of harm to individual if privacy is not respected

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Privacy Risk

Risk of harm to an individual if personal data is:

- inadequate, insufficient or out of date
- excessive or irrelevant
- kept for too long
- improperly disclosed to others
- used in ways that are unacceptable or unexpected by the person it is about
- used or misused
- not kept securely

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Risk of Harm

Individual harm

- Risk of physical harm
- Threat to emotional wellbeing
- Financial loss
- Fear of identity theft
- Damage to personal relationships
- Humiliation/ embarrassment
- Harassment
- Annoyance

Organisational harm

- Operational disruption - Diverted time and resources
- Loss of consumer confidence
- Legal/regulatory sanctions, liability and financial penalties
- Reputational damage
- Financial loss

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Privacy Impact Assessment

- Methodology used to assess if a new project:
  - has potential privacy risks
  - the severity of these risks and
  - any action that can be taken eliminate or mitigate risks

- Embedded within risk assessment

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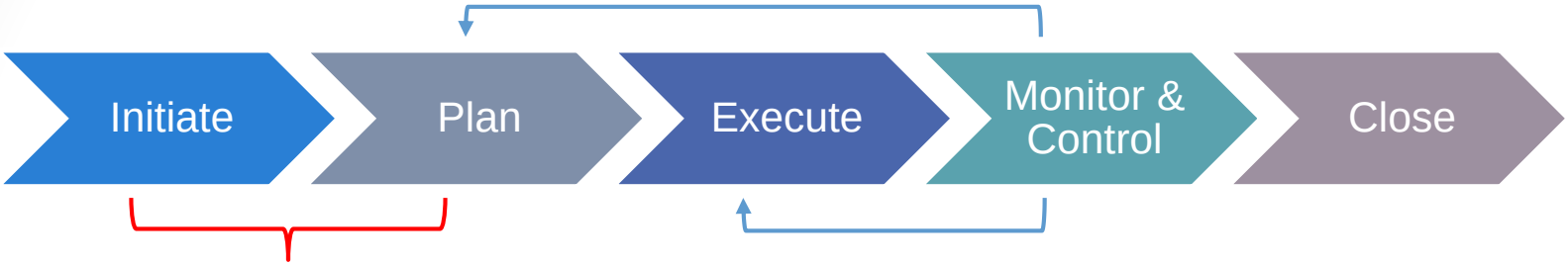
Privacy By Design



PIA Initiation

- Define scope of PIA
- Designate team resources
- Adapt PIA to reflect scope

Data Analysis

- Conduct interviews
- Identify information flow and personal information types

Privacy Analysis

- Consult with stakeholders
- Legal/regulatory compliance
- Document privacy issues and implications

PIA Report

- Summarise privacy risks and risk levels
- Identify and explore remedial options
- Submit report

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Off-the-shelf software

- Threshold assessment

Activity	Potential Privacy Risk	Harm to Client	Harm to Org	Remedial options
Contacting clients by email for promotional purposes. Current promotional contact by post.	May be used in ways that are unacceptable/ unexpected by the data subject	Annoyance (low privacy risk)	Loss of custom /client	Written consent Future consent via customer registration form Manage frequency of communication through - policy/training? - restrict access to mass mailing?

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Off-the-shelf software (contd.)

- Data and Privacy Analyses
- Subject Access Requests
- Consultation with stakeholders

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Remedial Options

- Technological controls
  - Access control
  - Email and network monitoring
  - Business continuity - Backup ‘in the Cloud’
  - Secure disposal of hard-disks
- Organisational controls
  - Information Security / Data Protection Policy
  - Staff Training
  - Clarity over roles/responsibilities
  - Designated DPO with half a day allocated

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Benefits

- Appropriate access controls
- Clarity around roles and responsibilities
- Understanding of expected standards of behaviour
- Legislative and regulatory compliance
- Procedures for review
- Less IT support - less cost to the business.
- Increased customer confidence

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Further Info

- UK Information Commissioner's Office – Privacy by Design https://ico.org.uk/for-organisations/guide-to-data-protection/privacy-by-design/
- Information and Privacy Commissioner of Ontario - https://www.ipc.on.ca/english/privacy/introduction-to-pbd/

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