The new EU data protection Regulation:
The business opportunity beyond legal compliance

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The GDPR: background, content & principles

What does it mean for your organisation
- Business opportunity & Innovation
- More and meaningful Transparency
- Consumer Empowerment
- Robust Data Management & Data Governance

Upcoming new privacy legislation
One of the most prominent EU laws ever

- In effect from May 2018. Negotiated over four years - SAS active involvement.

- Applies to all companies that process EU citizens’ personal data or are established in the EU. Also applies to the public sector.

- Europe in the forefront of global privacy landscape.
What is it about?

- Concerns “personal data”.
- Sets out rules on how to collect & process personal data.
- Main objective: enable individuals to protect their privacy.
An “identifiable person” is one who can be identified, directly or indirectly.

What is “Personal Data”?

Personal data means any information relating to an identified or identifiable person.

Personal Data Protection Tokens

- Bank Account
  - Bank Identifier Code (BIC)
- Credit Card Number
  - American Express
  - VISA
  - MasterCard
  - Diners Club
  - Discover
  - JCB
- Demographic Data
  - Name
  - Gender
  - Date of Birth
  - Age
  - Nationality
- Channels
  - Phone Number
  - Postal Address
  - City
  - Country
  - Email Address

- Government Identifiers
  - National Id
  - Passport Number
  - Social Security Number
  - Vehicle Registration Number
  - Driver License
- Digital Identifiers
  - IP Address (V4, V6)
  - MAC Address
  - XY Geographic Coordinate
- Social Media
  - Twitter Account
  - URL Facebook
  - URL LinkedIn
  - URL Pinterest
  - URL Instagram
- Organization
- Sensitive Data
  - Health, Sex
  - Political
  - Religious
  - Philosophical
  - Trade union member info
  - Genetic
  - Biometric
  - Race
  - Gender
  - Ethnicity
  - Children
Personal data ≠ Data ownership
What does it mean for your organisation?
What does it mean for your organisation?
Impact on your organisation
Business opportunity & Innovation

1. The GDPR can give you a competitive advantage
Privacy beyond mere legal compliance. Getting privacy right is a competitive advantage!

2. The GDPR is a new market driver
Requirements such as Privacy by Design, DPOs, Certification

3. The GDPR inspires innovation
Two examples of innovation follow.
Impact on your organisation
Business opportunity - Innovation

Are footsteps personal data??
Monitoring individuals’ behavior in supermarkets, shopping centers, conference venues using images of shoes and footsteps.
Personal data vaults

- Cloud-based apps that allow individuals to store and manage personal data as well as to control access permissions.
What does it mean for your organisation?
Impact on your organisation
Business opportunity - Transparency

The GDPR requirement: We need to tell individuals when we collect & process their personal data, for what purposes and with what envisaged effects

- Consent-based model: once you have consent, generally all processing allowed.

The business requirement: In order to get CONSENT & derive useful CUSTOMER INSIGHTS, you need to create TRUST by being TRANSPARENT.
In 2014, a major bank in The Netherlands withdraws big project using customer data for targeted advertising.
What does it mean for your organization?
Impact on your organisation
Business opportunity - Consumer empowerment

- Right to access, rectify, delete personal data (‘right to be forgotten’)
- Right to withdraw consent
- Right to information on processing
- Right to data portability
- Right to be informed about and to object to profiling

The Empowered Consumer

The Empowered Company
Impact on your organisation
Consumer empowerment - Right to be forgotten

Organisations need to assess whether the request “to be forgotten” is lawful and justified. Individuals can complain to the data protection authorities. The Courts make the ultimate decision.

Issues currently being discussed:

- Geographical scope of obligation to erase data
- The right to obscurity? Balance with the right of freedom to expression and information.
Impact on your organisation
Consumer empowerment - Right to data portability

- Applies to all sectors although designed with online platforms in mind.
- Can only be exercised when processing by automated means is based on consent.

Open questions:
- Third party data
- Technical feasibilility
- Which data: “provided by virtue of use of the service” or “generated by and collected from the activities of users”. NOT “data exclusively generated by the [company] i.e. “inferred data and derived data”.

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What does it mean for your organization?

Data Management
& Data Governance
Impact on your organisation
Robust data management & data governance

**Personal data protection = Essentially a data management issue**
GDPR creates opportunity to holistically reassess data management & governance across the organisation ➔ Data quality, data monetisation, improved efficiencies & cost reductions ALONG WITH LEGAL COMPLIANCE

- Creating and maintaining data flows mapping & data inventory across departments and geographies
- Obligations relating to data accuracy, record keeping, PIAs & access restrictions, ability to respond to individuals’ rights

**CHALLENGES THAT CANNOT BE MET WITH EXCEL ANYMORE !**
What does it mean for your organisation?
What is next?

- More GDPR....!
  Guidelines, guidances, codes of conduct by EU bodies & national authorities

- GDPR is only the beginning:
  - Review of e-Privacy Directive (“consent plus” model including metadata and content data)
  - New EU laws on free flow of data including
    - data localisation
    - data ownership, access and re-use
    - liability in IoT context
  - Rules on artificial intelligence & robotics?
Thank you!

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