Risk based approach to Data protection: A view from the UK

3rd Munich Data protection Day
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Agenda

- The risk based approach
- Some concepts to explore
- Checks and Balances
- Questions
The Risk Based Approach

> Risk based approach to privacy is not new!

> UK Approach

> Non-prescriptive framework taken from the EU Directive 95/46/EC

> Is this Perfection?

> UK ICO
DP Framework: what you should be doing!

The 8 Principles

1. Personal data shall be processed fairly and lawfully.
2. Personal data shall be obtained only for one or more specified and lawful purposes.
3. Personal data shall be accurate and kept up to date.
4. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose.
5. Personal data shall be processed in accordance with the rights of data subjects under this Act.
6. Appropriate technical and organisation measures shall be taken against unauthorised use or damage to personal data.
7. Personal data shall not be transferred to a country or territory outside the EEA unless it ensures adequate protection.
8. Personal data shall be adequate, relevant and not excessive in relation to the purpose for which they are processed.

DP laws provide for eight important principles. It is these eight fundamental principles (plus other provisions of DP law) which must be complied with.
Some concepts to explore

> Sensitive Personal Data

> Fair and lawful processing

> Impact Assessments

> DPO

> Data Security
Checks & Balances

> A question of ownership?

> Let enforcement action / consumer complaint be the barometer?

> Guidance from Regulators

> Must be able to demonstrate risk assessment and controls – not just lip service!

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Consequences – Data Breaches & Failures

Increased scrutiny from regulators whose powers are increasing

Directors and senior officers may be personally liable

Adverse publicity, potentially leading to reputational damage and lost customer trust

Business continuity issues

Impact on share value for major non-compliance

Litigation and investigations are expensive

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Monthly Topical Issues and White Papers

Risk Maps answer key data protection questions across the world
Vin is a partner and heads the Data Protection Practice. He has specialised in data protection and information law matters for 15 years.

With a wide range of data protection experience across various data rich sectors, Vin has advised right at the heart of specific data matters and also from a strategic perspective in all aspects of data protection compliance and risk management, including audit and implementation projects, cross-border data flows, outsourcing, security (including breach incidents) and especially on matters relating to technology and privacy.

Vin regularly presents and contributes to various publications on data protection and is a member of the editorial board for Bloomberg BNA’s World Data Protection Report.

Vin is recognised in Chambers with feedback stating:
“Vinod Bange is highly regarded for data protection, information management, e-commerce and e-banking. “He knows his subject extremely well and has excellent contacts” market sources affirm. He has been active on advisory work for big-name clients in the financial, retail and health sectors, concerning data protection and e-commerce.

Legal500 feedback states:
Taylor Wessing LLP acts for technology sector groups on cross-border product and service launches, and has recently handled a number of data breach matters. Vinod Bange is ‘technically first rate and able to bridge the world of technology in plain language’.
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