

Navigating Change in Data Protection – Challenges and Opportunities for Compliance Professionals



Author: Owen Vahey, Deputy Global Privacy Assurance Director at Aon and Chair of Compliance Institute's Data Protection & Information Security Working Group.



In an evolving landscape of increasing regulatory oversight, digital transformation and the growing reliance on data to drive business models and operating efficiencies, the role of the compliance professional, and in particular subject matter experts on data protection and privacy has evolved significantly. In Ireland, this backdrop presents both challenges and opportunities for compliance professionals seeking to navigate this dynamic terrain.

Understanding the priorities of the Supervisory Authorities

A key emerging trend is the evolution of focus on data protection matters from regulated entities. The Data Protection Commission have recently seen changes in terms of the appointment of two new Data Protection Commissioners, and the DPC's Regulatory Strategy for 2022-2027 remains an important resource for data protection professionals seeking to understand the regulator's priorities over the next three years.

While emerging regulation will continue to dominate the headlines and boardrooms for the foreseeable future, the DPC have been focused on ensuring that data controllers and their advisors do not forget the basics of compliance. Ensuring basic organisational measures are in place will remain crucial, such as the appointment of a Data Protection Officer where required, policies and procedures to detect and report data breaches, and ensuring that appropriate records of processing activities are in place. For an insight into what might constitute appropriate technical and organisational measures in certain cases, the case studies periodically published by the DPC can provide a useful indication.



Challenges with overlapping requirements

Another key emerging trend is the increasing overlap of compliance requirements across various aspects of legislation, including elements of the GDPR, DORA, the Digital Services Act, NIS2 and the AI Act among others. With an increase of focus on demonstrable compliance across these separate regulations, it is crucial that compliance teams collaborate efficiently, in particular where reporting requirements may overlap in terms of the data required. There is also overlap with certain operational considerations, such as the approach to the privacy by design principle, where conducting Data Protection Impact Assessments on emerging technologies, or potentially overlapping breach notification requirements under GDPR and NIS2. When considering risk mitigation from a data protection perspective, there is usually heavy overlap with data security and cyber security controls specifically, and understanding the security control environment is crucial for an effective holistic approach to risk mitigation.

Collaboration is key

This intersection of requirements presents an opportunity to further collaborate with peers internally, to share learnings and best practice around approaches to reporting and risk mitigation and to build stronger relationships with key stakeholders in common - who often are required

to input into separate regulatory compliance programs. Presenting a unified approach to shared compliance challenges can be a powerful tool to demonstrate the role of the compliance professional as a business enabler in practice. Networking with other peers externally in other industries can be useful to gain fresh perspectives on both new and existing compliance challenges. Keeping abreast of relevant events and learning sessions can help to keep compliance professionals connected and ensure that relevant insights are shared within the community, while providing an often much needed outlet to share concerns.

Next steps to help navigate the changes

In response to this challenging landscape, the Compliance Institute continue to develop our events and educational offerings to help support our members in navigating these changes, including the short courses on DORA, the AI Act, and the Digital Services Act along with the Professional Certificate in Data Protection. These offerings in addition to the 2024 edition of the Data Protection Guide are an opportunity for compliance professionals to understand the changing regulatory landscape, to network with peers facing similar challenges, and to develop and reflect on practical approaches for implementing and demonstrating a robust compliance framework.