

GDPR: Compliance, Concerns and COVID

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CPD CODE: 2022-0661



Welcome & Introduction



- Thank you for registering
- Questions
 - Please use the question box on the right of your screen to send the questions for our speaker
- Today's session will be recorded and will be on our website later today
- The CPD code is noted below and will be sent out directly after this session has concluded

CPD CODE: 2022-0661

GDPR: Compliance, Concerns and Covid Survey Results

Webinar Thursday, 24 March 2022 | 8.30am – 9.30am



Paul Lavery

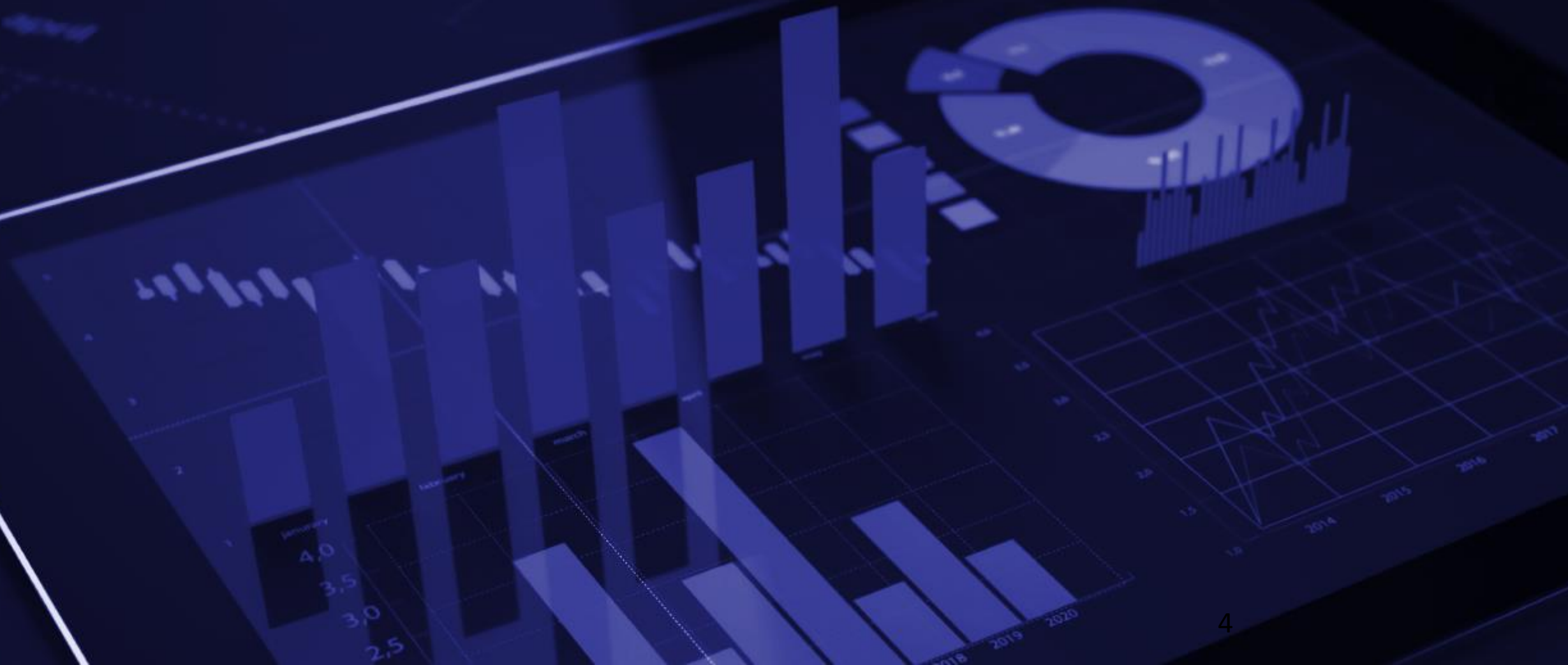
Partner, McCann FitzGerald LLP



Liam McKenna

Partner, Mazars

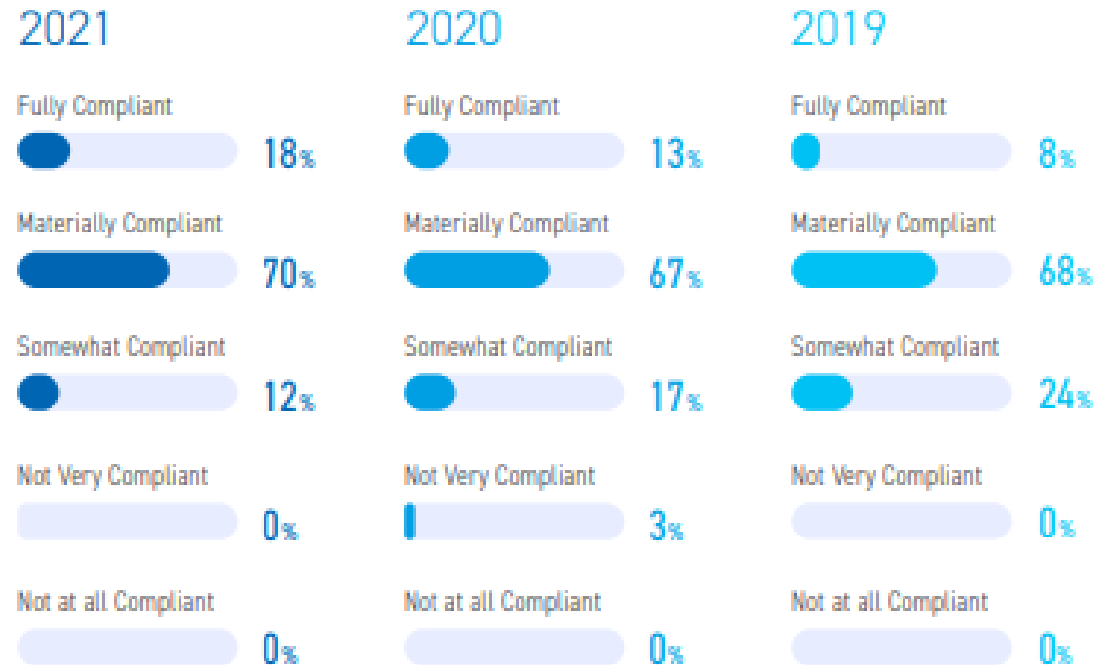
Attitudes and opinions



Compliance with the GDPR

Thinking in Overview

To what extent do you feel your organisation is compliant with the GDPR?



88% of organisations say they are materially or fully compliant with the Regulation, compared with 80% last year

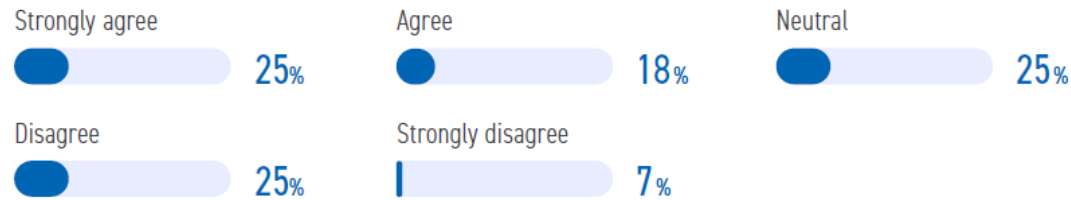
Attitudes to the GDPR

Attitude	2021	2020	Change
GDPR is beneficial for individuals	69% Agree	83% Agree	-14% ↓
Compliance places an excessive burden on organisations	69% Agree	53% Agree	+16% ↑
Compliance is beneficial for organisations relations (staff, customers, others)	71% Agree	75% Agree	-4% ↓
Compliance has delivered many benefits for our organisation	40% Agree	41% Agree	-1% ↓
The CEO of our organisation is strongly engaged in GDPR compliance and data privacy	54% Agree	54% Agree	0% ↔
In our organisation we are concerned about the prospect of being fined for GDPR non-compliance	57% Agree	46% Agree	11% ↑

Attitudes to the GDPR

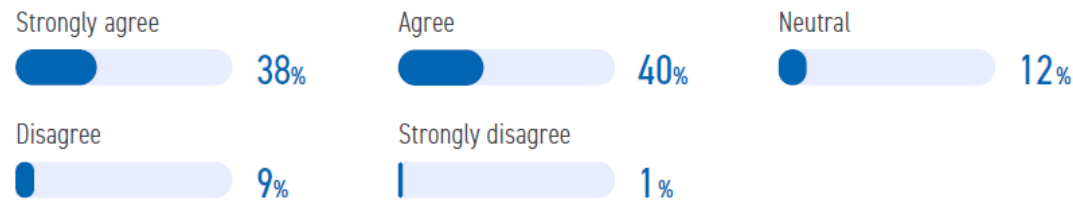
Civil actions

We are concerned about civil actions from data subjects



Risks of non-compliance

The risks associated with GDPR non-compliance are increasing



Increased concern about GDPR non-compliance

More concerned about GDPR non-compliance than in May 2018

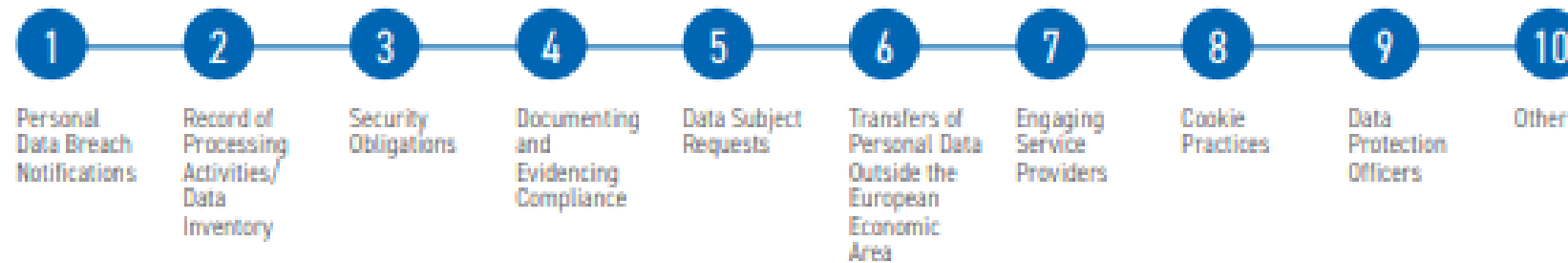


Majority report GDPR non-compliance is causing greater concern now than before.

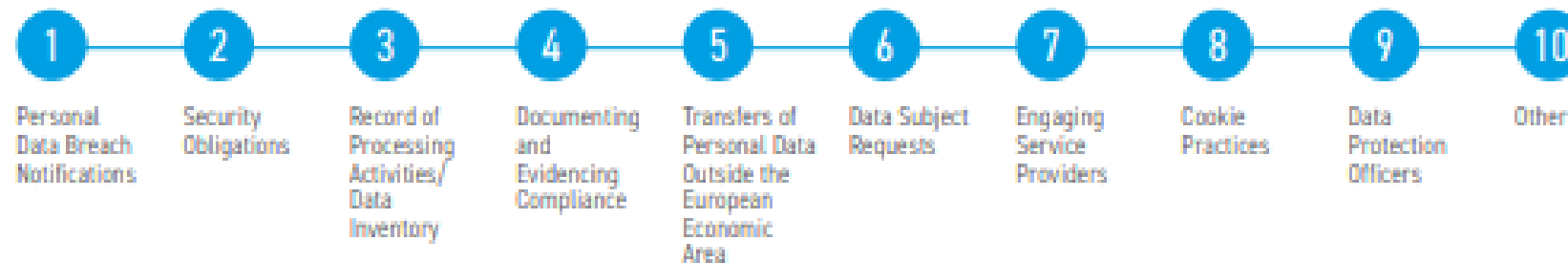
Aspects of **most concern** that might lead to GDPR fine or other enforcement action

Ranked Highest to Lowest

2021



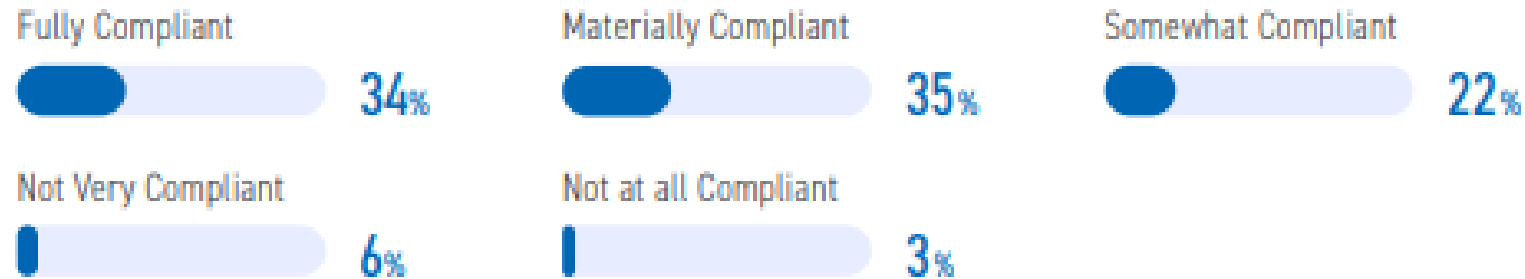
2020



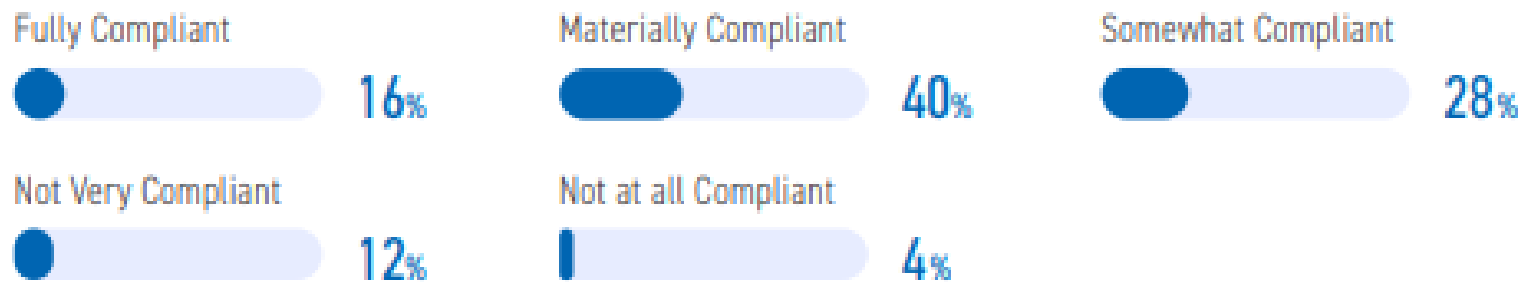
Retention

Retention Policies and Practices

To what extent are your organisation's retention policies compliant with GDPR?



To what extent are your organisation's retention practices compliant with GDPR?



Retention policies more popularly reported as compliant as compared with practices.

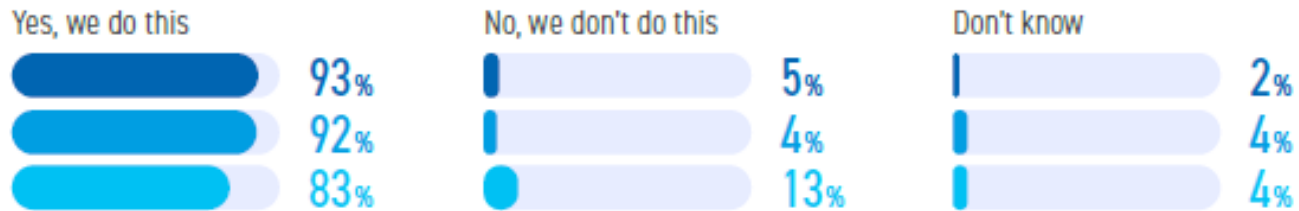
Accountability

Development and Maintenance of Required Documentation

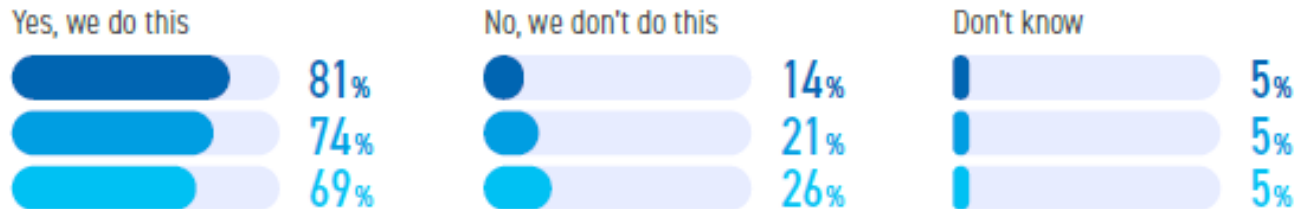
Please indicate all the activities that you undertake to meet the accountability principle as part of ongoing business as usual.



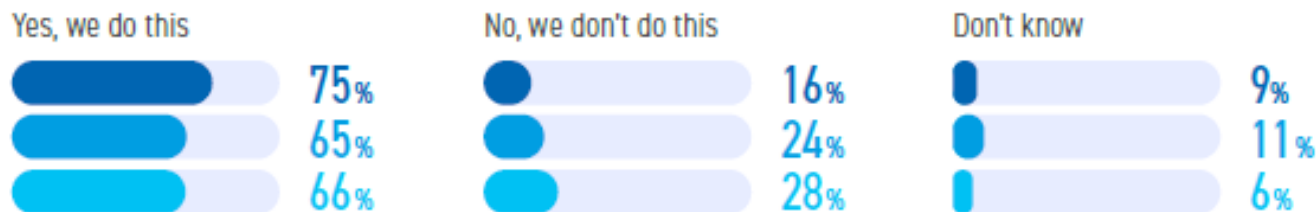
Periodic review of policies, procedures and privacy notice



Periodic review of records of processing activity



Maintain a repository for all documentation

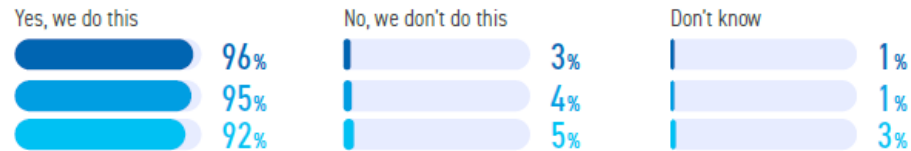


Clear Roles and Responsibility

Now thinking about the identification of clear roles and responsibilities and forums to support compliance



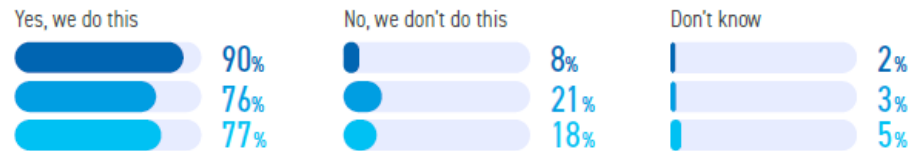
Staff training



Data protection champions appointed



Internal roles and responsibilities for Data Protection



Mock phishing



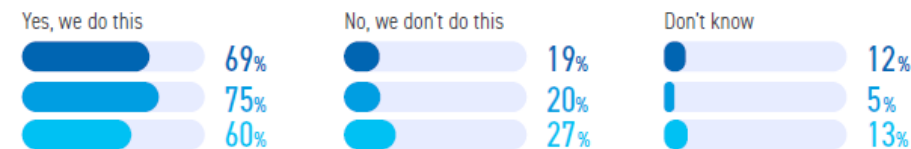
DPO appointment



Data protection audits



Data protection part of the management /executive meeting agenda



Data protection forum

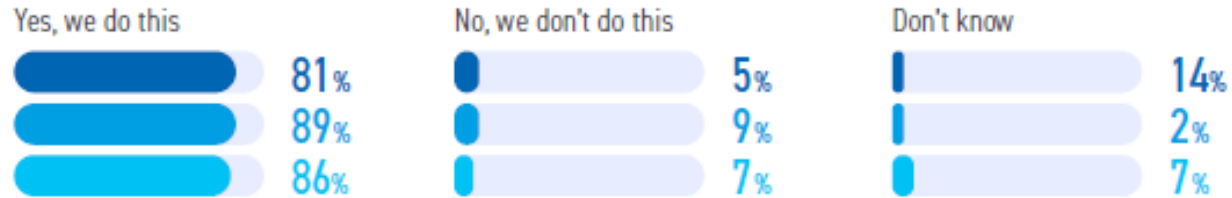


Tracking Events and Decisions

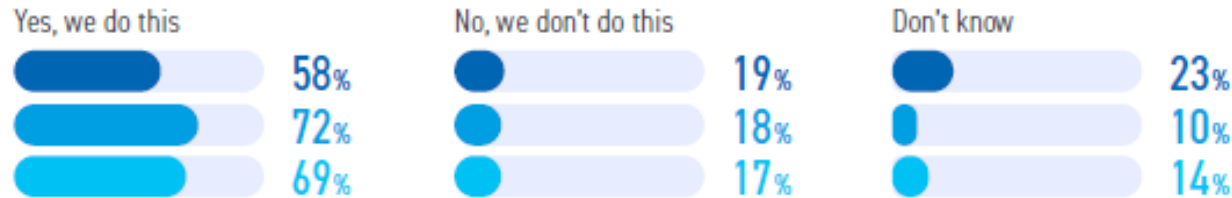
And thinking about tracking events and decisions.



Maintenance of a personal data breach log



Maintenance of data subject rights invoked log



Creation and review of legitimate interest assessments

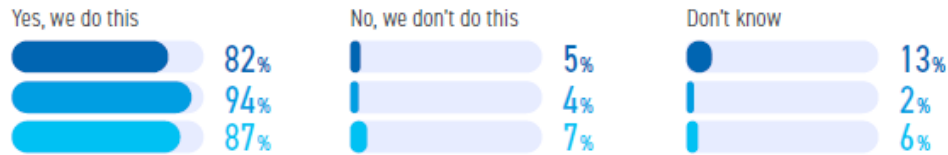




Third Parties in Managing Risks

Which of the following approaches to 3rd parties have you used to manage associated risk?

Processor agreements



3rd party questionnaires attesting to compliance



Controller to Controller agreements



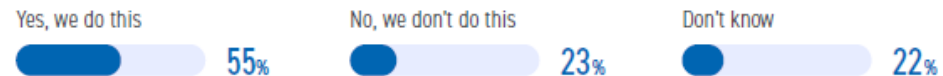
3rd party audits or independent reviews



3rd party risk assessment process



Data Transfer Impact Assessment



Joint controller agreements



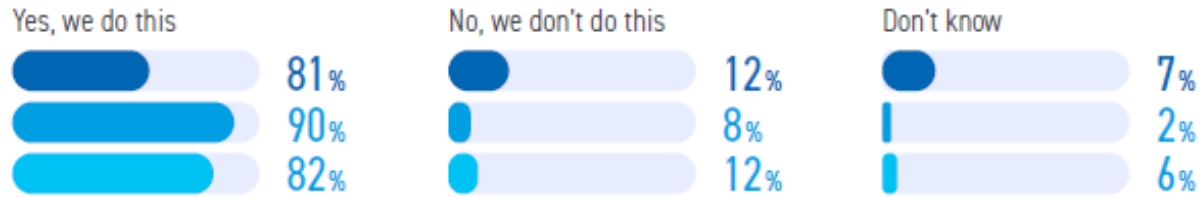
There has been an increase in the 3rd party controls with questionnaires, audits and DTIAs

Tools to Manage Changes in Organisations

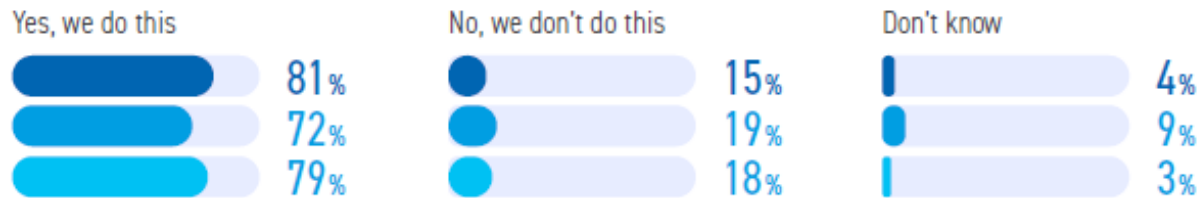
Which of the following tools are you using to manage changes in the organisation?



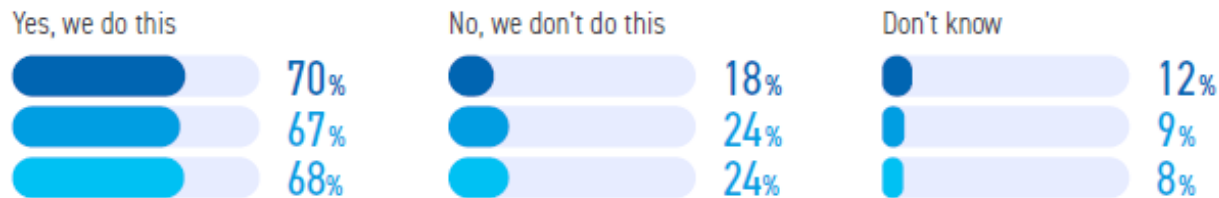
Data Protection Impact Assessment (DPIA)



Security audits or reviews



Data protection built into change processes



International transfers



International Transfers – Schrems II additional requirements



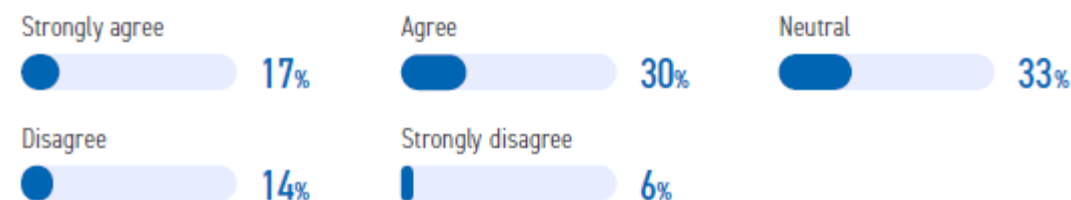
To the extent that your organisation transfers personal data to any third country outside the European Economic Area that is not covered by an adequacy decision, please indicate your organisations' compliance with the requirements set out in the Schrems II case (e.g. documented assessments, supplementary measures, etc.)?



All those who transfer data outside the EEA N=75

Almost seven in 10 organisations report they are fully or materially compliant with the requirements set out in the Schrems II case.

The additional requirements for transfers of personal data under Article 46 GDPR set out in the Schrems II case are beneficial for individuals whose data are transferred



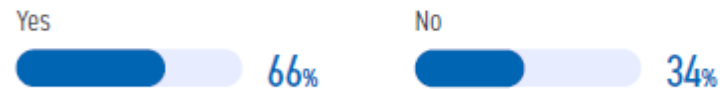
Nearly 50% agree that the additional requirements for transfers of personal data under Article 46 GDPR set out in the Schrems II case are beneficial for individuals whose data are transferred.

International Transfers – Schrems II additional requirements



Additional compliance burden

Would the additional compliance burden associated with international transfers and the use of SCCs influence your organisation to halt non-EEA transfers and/or host personal data within the EEA only?



All those who international transfers are relevant N=74

Additional compliance burden

Would the additional compliance burden associated with international transfers and the use of SCCs influence your organisation to halt non-EEA transfers and/or host personal data within the EEA only?



Yes



66%

No



34%

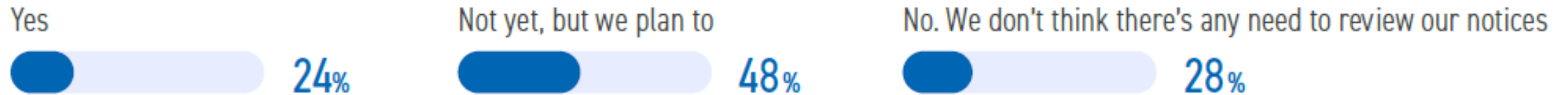
All those who international transfers are relevant N=74

Additional compliance burden associated with international transfers and the use of SCCs would influence two thirds of organisations to halt non-EEA transfers and/or host personal data within the EEA only.

WhatsApp decision and cookies

Review of data protection notices

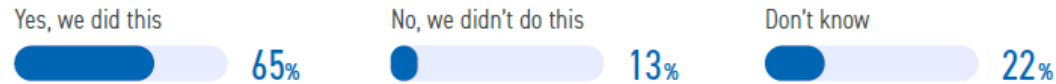
Have you reviewed your data protection notices in light of the Data Protection Commission's recent decision regarding WhatsApp?



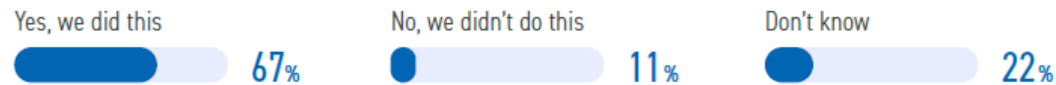
Almost half of respondents plan to review their data protection notices in light of the Data Protection Commission's recent decision regarding WhatsApp, while almost a quarter have already done so.

Steps taken to ensure cookies compliance

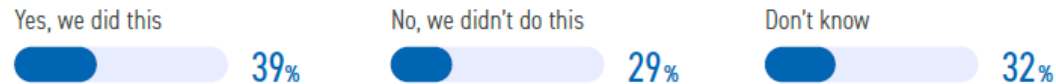
Implemented a cookies consent management tool



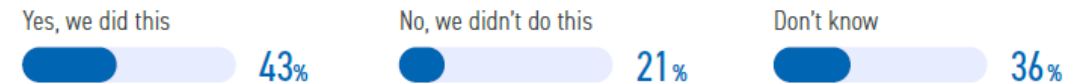
Removed the use of pre-ticked boxes



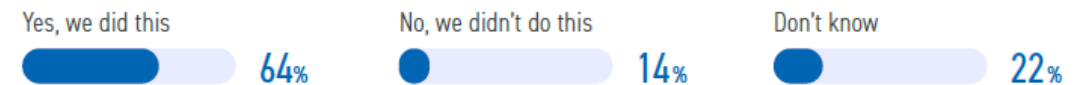
Implemented "Accept All" button as default option, and further click to change granular settings



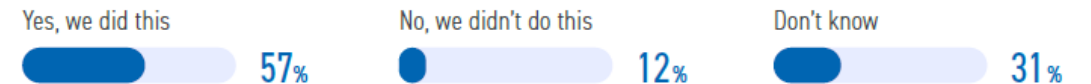
Stopped using certain cookies



Updated our cookies policy



Changed the wording on our cookies consent banner



Hybrid working



Hybrid Working

Has your organisation implemented, or is it considering implementing, a longer term hybrid working model?

Yes, our organisation is currently operating a hybrid model



Yes, our organisation is considering operating a hybrid model in the future



No, our organisation is not operating, nor considering, a hybrid model.



Have you updated policies and procedures concerning data protection to address risks posed by hybrid working?

Yes



No



Hybrid Working

Has your organisation implemented, or is it considering implementing, a policy which permits employees to work from overseas for all or part of the year?



If YES to the previous question, have you updated policies and procedures concerning data protection to address the transfer of personal data outside the EEA



A quarter have implemented or are considering implementing a policy permitting employees to work from overseas for all or part of the year.

Out of those that have or are planning to, half have updated policies and procedures concerning data protection to address the transfer of personal data outside of the European Economic Area.

Hybrid working and cybersecurity

Given the increase in people working remotely, has your company increased its cybersecurity measures?

Yes



No



Don't know



Questions?



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Thank You For Attending GDPR: Compliance, Concerns and COVID

A recording of this webinar and
the CPD code will be available on
our website later today.

CPD CODE: 2022-0661

