

# GDPR



## 2018's Elephant in the Room



and **5** steps to help address the challenges ahead



**By Richard Hannah**

Managing Director of ST2 Technology, a Data Privacy Expert, former Data Privacy Lawyer and Global Transformation Director with 35 years of business experience.

The GDPR is 2018's elephant in the room. Despite its size and complexity, most organisations are still managing to ignore the issue – says Richard Hannah, Managing Director of ST2 Technology. It may be wishful thinking or poor advice, but it's time that all sectors of industry, the public and the third sectors, thought less about avoidance and more about compliance.

## Trending #GDPR

The GDPR comes into effect in the UK, in May this year. No other topic has garnered more column inches in the business press, pitted 'experts' against one another or gathered more business 'outrage', than this regulation. The regulator could not have been clearer in her stated intention to enforce the law and the ICO has worked hard on providing and expanding advice on all key areas of the impending legislation.

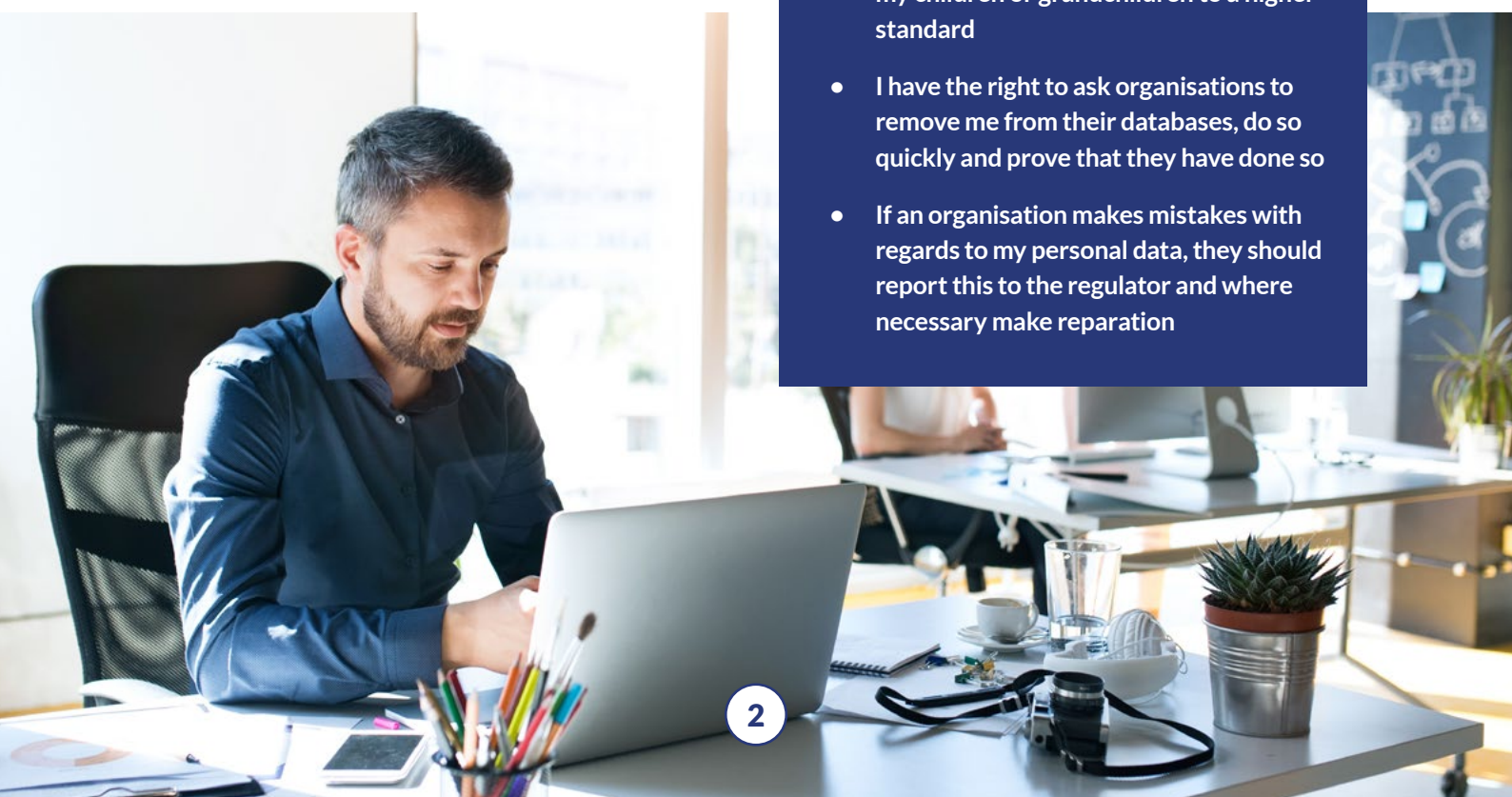
I am as GDPR fatigued as the next Senior Executive. Although we deliver services into this area, we too have had to manage our own GDPR project across a business group we belong to. We learned some home truths about the way we managed data and our attitude toward sensitive information.

One of the key issues we had to address is to get our staff and management to personalise the rights that the GDPR refers to:

### Your personal rights

I have the right to know what data an organisation holds on me;

- I have the right to insist that organisations ask my permission to hold my data and explain why they are holding it and for how long they wish to hold it
- I have a right to have information held on my children or grandchildren to a higher standard
- I have the right to ask organisations to remove me from their databases, do so quickly and prove that they have done so
- If an organisation makes mistakes with regards to my personal data, they should report this to the regulator and where necessary make reparation





I doubt whether any of us would seriously challenge the general principles espoused in the regulations. I have heard former colleagues arguing the toss about consent, and what constitutes as a soft opt in. I have even heard business consultants saying its just Y2K all over again... but hold up! Let us go back to the principles listed – there is nothing wrong with them, and in fact, don't we owe a duty of care to our colleagues, employees and our customers?

## Is it fair?

How do we justify claims that the act penalises businesses or is in some way unfair?

As a young lawyer back in the 80s, I can clearly remember that it was considered that we (the lawyers) did not grasp the importance of computers and their potential.

The 1984 DPA was high on principle and low on impact. We had another go in 1998, and although the GDPR is based largely on that effort, it was for most part ignored. If you were to quiz most business professionals on the provisions of the 1998 act, they would be nonplussed. Businesses **risked** it rather than **fixed** it. Collectively, we all prioritised spending our cash on marketing or frontline services rather than really sorting out our data management issues.

Today, as we support clients, we don't judge the myriad of standalone databases with hyper-sensitive information, marketing plans, smart spreadsheets and paper 'mountains,' because we have all done it. We buy more storage or back up those CRMs. We make detailed notes in our customer records on who we are dealing with, we put stickers on our PCs and laptops to help us out with our latest passwords – we are just being people at work. Few of us have got this 100% correct.

## The truth

So now we must roll up our virtual sleeves and address those uncomfortable truths. Infrastructure will require upgrading, processes will require changing and policies will need to be created and socialised. Timing – yes, could not be worse. We live in the shadow of Brexit, sluggish growth, a government just about hanging on. We are on the cusp of another cycle of innovation, block chain, AI and other emerging technologies. Was it ever a good time to sort out systemic issues in the work place?



# Journey to compliance

So, I will offer advice to businesses and organisations who are in the process of starting their journey to compliance, or who have yet to start it:



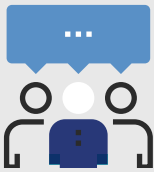
1. Dispense with denial - there are some unfortunate truths to face. The GDPR will bring into sharp relief issues in your organisation. Focus on **solving those issues**, don't sweep them under the carpet.



2. Ask yourself to what standard **you** would want your own personal data held (honestly, it's a very good guide as to how you should be looking after customers and staff information).



3. The GDPR is about data privacy. Data privacy involves your cyber security and data management, which are in turn linked to your digital or operating model. Your infrastructure probably adds complexity to the challenge and you will need to find ways to get your infrastructure to help you **meet** the challenge (or at least defray the costs of the inevitable GDPR related programme).



4. You cannot outsource risk and your service providers cannot make you compliant, nor sustain your compliance. No third party knows your organisation better than you. Whatever you read or whatever you are promised, **no software product** will make you compliant. Ultimately, it is you and your organisation who must do the heavy lifting.



5. The gap between where you are as a business and compliance is the **ultimate** arbiter of your risk and the **cost of fixing** the problem. GDPR related programmes cannot be commoditised so that one size fits all

For me, the GDPR specifically and data privacy generally, is all about **implementation** and not **interpretation**. It is about effecting a change and not 'doing enough' to look like we have effected change to satisfy a regulator. It's about fix it not risk it. Nelly is not going away anytime soon.

Got any GDPR questions or issues? Arrange for one of our consultants to discuss what we can do to help you.

## Contact us

+44 (0) 207 1834701

info@st2-technology.com



Richard Hannah has produced an e-book on Implementing Data Privacy Driven Transformations. He and his teams offer pragmatic data privacy consulting and transformation implementation services.

