

### How to Manage Data Privacy While Managing Records

Welcome! The webinar will begin shortly



#### How to Manage Data Privacy While Managing Records



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#### 2024 Webinar Series





AutoClassifying the 3 R's: ROT, Records & Retention MARCH 26



How to Manage Data Privacy While Managing Records APRIL 23



BlackCat 5.0 Demo Day TBD IN MAY-JUNE

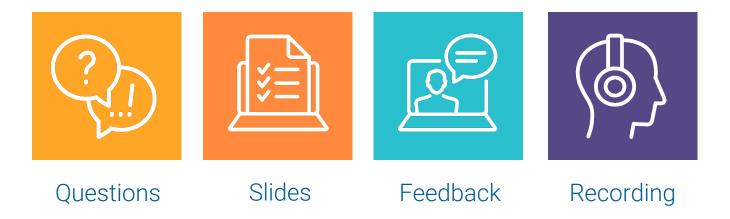


Managing Data Minimization & Least Privilege with AutoClassification OCTOBER 15



Generative AI: Are You Ready for AutoClassification?

### Helpful Hints



#### Valora Technologies

AutoClassification platform used by Data Governance, Records Managers, Legal, Compliance & IT teams to locate and automate the identification, classification & defensible disposition of content across the enterprise data estate.

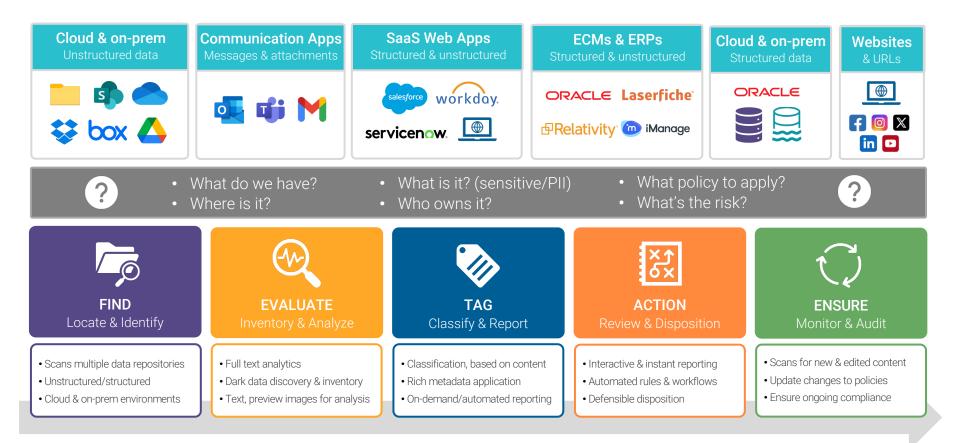


### Reducing Risk & Exposure

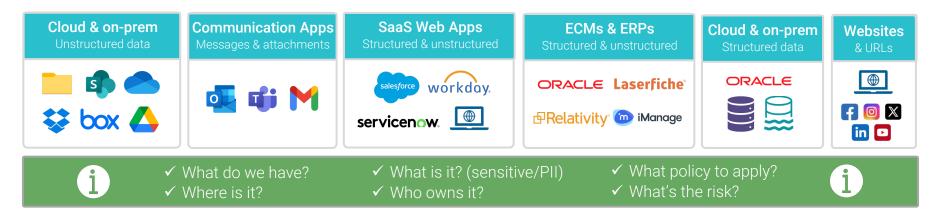
- ✓ Uncover dark data
- ✓ Inform & action content
- ✓ Ensure compliance



### Data Governance Challenges



### Data Governance Challenges





### What makes Valora different



True AutoClassification Based on the full text analysis of the content of each file, not file metadata



Complete customization Custom fields, DocTypes, reports, deployment. Manual, semi or fully automated disposition



#### Repository Agnostic

Access content across structured and unstructured, on-prem & cloud



Strategic approach Cross functional use & ROI, defensible compliance, GRC aware



Sophisticated solution/offering Event-based triggers, hierarchical and multiple data values

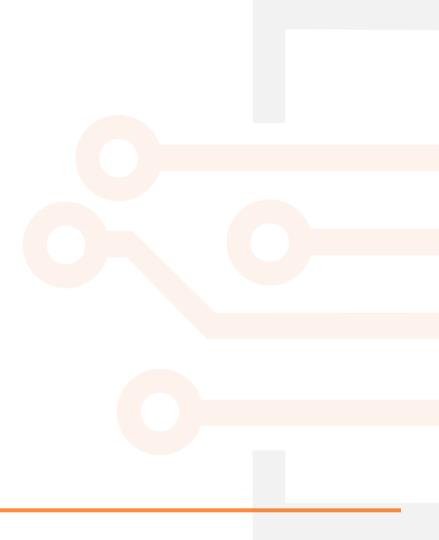


#### Data experts

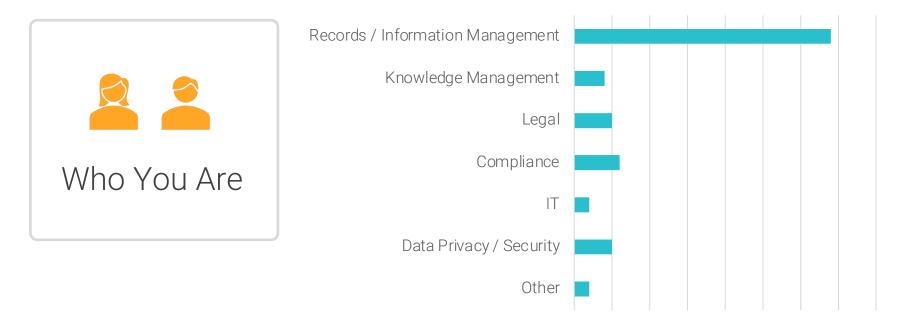
20+ yrs background in eDiscovery, data discovery, and content analytics, MIT-trained dev team, HBS-trained mgmt



## Who's here today & what are your interests?



### Who you are & what your challenges are



### Who you are & what your challenges are

Your RIM/IG Challenges

File clean-up / ROT reduction Stranded/unknown content in legacy... Dark data: we don't know what we... Automating our manual processes Data Privacy Compliance / Identifying... Managing content on Legal Hold Managing retention policies Migration to a new system OMG everything

### Agenda



- What is Data Privacy & Why should I care?
- How to manage records and data privacy under one initiative
- DSARs: Data Subject Access Requests
- Spoiler Alert: AutoClassification is your friend
- How to advocate for an organization-wide collaborative approach to data privacy
- How to get started

### What is Data Privacy?



Data privacy (in general) is the **right to have control** over **how your personal** information is gathered, used, kept, sold and exchanged. The primary thesis is that end-users should have the rights to know, edit, delete or direct how their information exists.



Data privacy (in the context of Information Governance) is the **proper handling** of sensitive data including personal data, financial data, health information and other confidential data to meet regulatory requirements while protecting confidentiality.



Data privacy covers: **personal data protection**, consent & notice, data minimization & purpose limitation, **data subject access rights**, and security measures around sensitive information.

#### Data Privacy Regulations

2019

2018



GDPR General Data Protection Regulation



2021

2020

Federal laws that regulate industry-specific data, but no current federal data privacy law in the US

2023

2024

HIPAA, Health Insurance Portability & Accountability Act: communication of health data FCRA, Fair Credit Reporting Act: information in your credit report, who can see it FERPA, Family Educational Rights & Privacy Act: who can request to see student records GLBA, Gramm-Leach-Bliley Act: how consumer financial products share data COPPA, Children's Online Privacy Protection Rule: limits data collection for children under 13

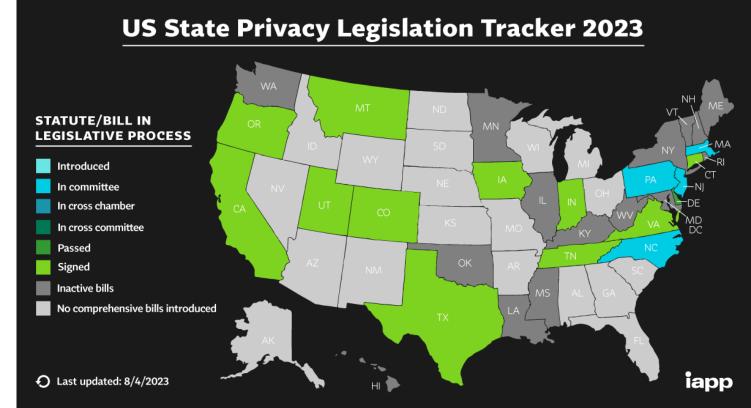
2022

#### Individual states are passing privacy bills in lieu of a federal law

### Why is this important now?

Get to know IAPP

Status of data privacy regulations in the US (Aug 2023)

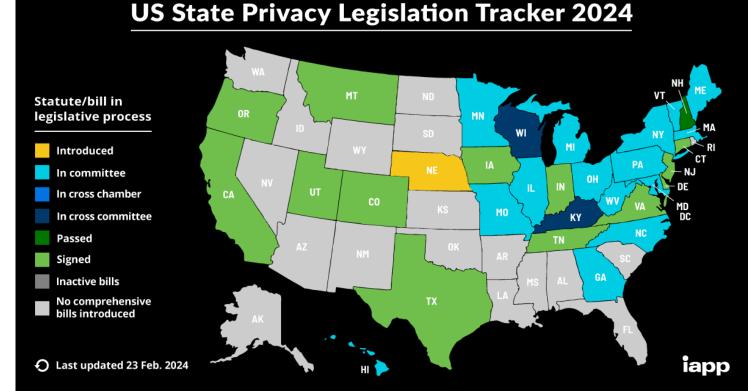


### Why is this important now?

Get to know IAPP

Status of data privacy regulations in the US (Feb 2024)

#### 6 months later





#### Why is this important now?

- Stop thinking data privacy is "someone else's problem"
- Just like eDiscovery, this will become a RIM/IG "problem"
- Still time to get on top of it

				Consumer rights								Business obligations					
				Right to access	Right to correct	Right to delete	Right to opt out of certain processing	Right to portability	Right to opt out of sales	Right to opt in for sensitive data processing	Right against automated decision-making	Private right of action	Opt-in default (requirement age)	Notice/transparency requirement	Risk assessments	Prohibition on discrimination (exercising rights)	Purpose/processing limitation
State	Legislative process	Statute/bill	Common name	Rig	Rig	Rig	Rig	Rig	Rig	Rig	Rig	Priv	do	Noi	Ris	Pro	Pur
California		<u>CCPA</u>	LAWS SIGNED (TO DATE) California Consumer Privacy Act (2018; effective 1 Jan. 2020)	х		х		х	х	1		L	16	х	1		х
		CPRA	California Privacy Rights Act (2020; fully operative 1 Jan. 2023)	x	х	х	s	х	х		х	L	16	x	х	х	x
Colorado		<u>SB 190</u>	Colorado Privacy Act (2021; effective 1 July 2023)	x	х	х	Р	х	х	х	Х~		S/13	х	х	х	х
Connecticut		<u>SB 6</u>	Connecticut Data Privacy Act (2022; effective 1 July 2023)	x	х	х	Ρ	х	х	х	Х~		S/13	х	х	х	х
Delaware		<u>HB 154</u>	Delaware Personal Data Privacy Act (2023; effective 1 Jan. 2025)	х	х	х	Ρ	х	х	х	х		17	х	х	х	х
Indiana		<u>SB 5</u>	Indiana Consumer Data Protection Act (2023; effective 1 Jan. 2026)	х	х	х	Ρ	х	х	х	Х~		S/13	х	х	х	х
lowa		<u>SF 262</u>	lowa Consumer Data Protection Act (2023; effective 1 Jan. 2025)	х		х		х	х				S/13	х		х	х
Montana		<u>SB 384</u>	Montana Consumer Data Privacy Act (2023; effective 1 Oct. 2024)	х	х	х	Ρ	х	х	х	Х~		S/13	х	х	х	х
Oregon		<u>SB 619</u>	Oregon Consumer Privacy Act (2023; effective 1 July 2024)	x	х	х	Ρ	х	х	х	Х~		S/13	х	х	х	х
Tennessee		<u>HB 1181</u>	Tennessee Information Protection Act (2023; effective 1 July 2025)	х	х	х	Ρ	х	х	х	Х~		S/13	х	х	х	х
Texas		<u>HB 4</u>	Texas Data Privacy and Security Act (2023; effective 1 July 2024)	х	х	х	Р	х	х	х	Х~		S/13	х	х	х	х
Utah		<u>SB 227</u>	Utah Consumer Privacy Act (2022; effective 31 Dec. 2023)	х		х	Ρ	х	х				13	х		х	

#### **Comprehensive Consumer Privacy Bills**

#### "Traditional" Records Management; Historically, why were you unable to delete ROT?

- "No tools." (Delete, delete, delete...)
- "Can't find it, ROT is mixed in with the good stuff."

No one will let us delete things.

No real penalty to "just keep forever" (and violate our RRS, but ok)

Now, there are real consequences

to not deleting data that is supposed to be deleted (past retention), and that we said we would delete/retain for only X purposes or time period.

We are now out of compliance (not just sloppy).

# Meh, so we're out of compliance what's the big deal?

- GDPR fines for data privacy compliance violations
  - Meta €1.2 billion (\$1.3 billion)
  - Amazon €746 million (\$781 million)
  - Instagram €405 million (\$427 million)
  - Facebook €265 million (\$275 million)
  - WhatsApp €225 million (\$247 million)
  - Google LLC €90 million (\$99 million)
  - H&M €35 million (\$41 million)
  - British Airways €22 million (\$26 million)
  - Marriott International €20.4 million (\$23.8 million)



### Individual Data Privacy Rights, Generally



### Individual Data Privacy Rights, Generally



Emerging big topic:

# Data minimization requirements are standard fare in data privacy regulations



#### Current Laws:

- GDPR: any personal data collected (held) must be "adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed."
- CPRA: business and organizations "shall not retain a consumer's personal information or sensitive personal information . . . for longer than is reasonably necessary"

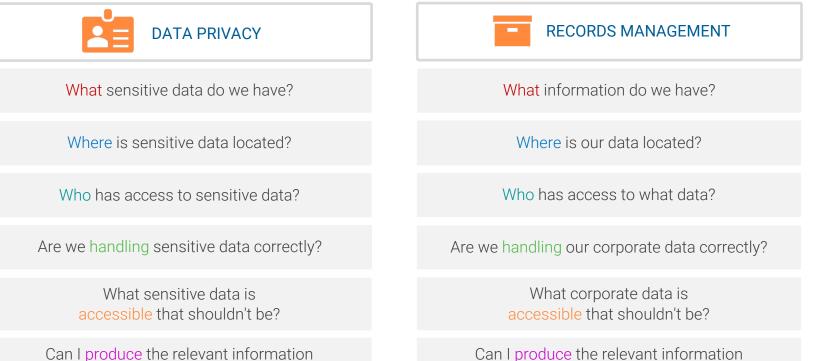
#### Still Pending:

- Data Care Act: "duty of confidentiality" and "duty of loyalty" that restrict disclosure or sale of personal data, particularly those that benefit the seller "to the detriment of the end user."
- Online Privacy Act: "requirements for covered entities, including data minimization"



### Is it Privacy? Is it RM/IG?

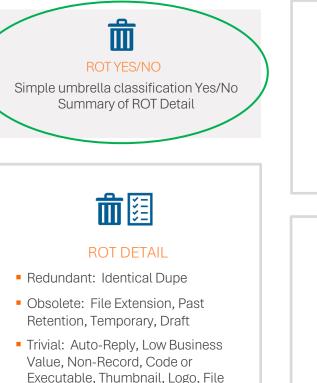
### Organization's data privacy responsibilities



when a DSAR request is made?

when a request is made?

#### **ROT & Retention Classification Tags**



Path, File Type, Logo



#### DUPLICATE TYPE

- Identical (Hash) Duplicate
- 99% (Functional) Duplicate
- 75-98% (Near) Duplicate
- Unique



#### EXPIRATION DATE

- Calculated from Date Hierarchy (differs by Records Type)
- Creation Date, Hire/Start Date, Termination Date,
- Often triggered by events



 Based on Document Type, Source, Custodian/Author, Jurisdiction, Keywords, Personal Data/Sensitivity



Direct inherit from Record Class (Rules)



#### EXPIRATION HANDLING

- Automatic Deletion
- Approval Required for Deletion
- Quarantine
- Permanent Record

### Data Privacy Classification Tags





#### DOCUMENT TYPE

- Contract, Correspondence, Graphic, Financial, Transactional, etc.
- Record ID & Record Class
- Attachments and related files
- Source location
- Record holder or custodian



#### PERSONAL DATA TYPE

- PII, PHI, PCI
- SSN, DOB, Personal Address or Phone number
- Financial, CC, bank account info
- MRN, medical data, diagnoses, reports



#### SENSITIVITY

• Highly Confidential, Confidential, Private, Public

#### **KETENTION PERIOD**

 Direct inherit from Record Class (Rules)



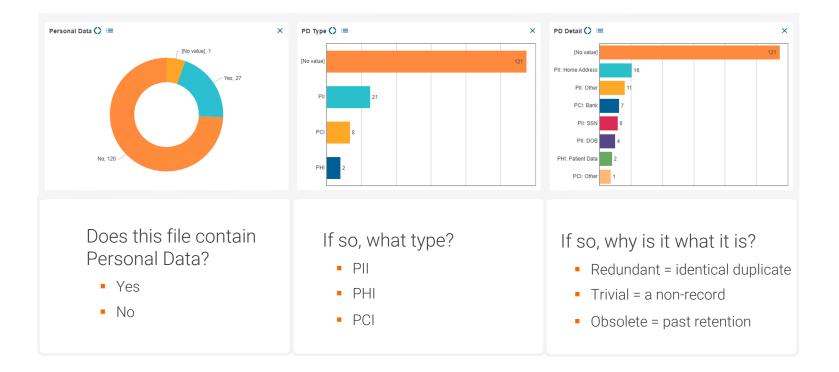
#### EMPLOYEE INFORMATION

- Employee Name, Employee #
- Hire/Start Date, Termination Date,
- Compensation information

## 

- Automatic Deletion
- Approval Required for Deletion
- Quarantine
- Permanent Record

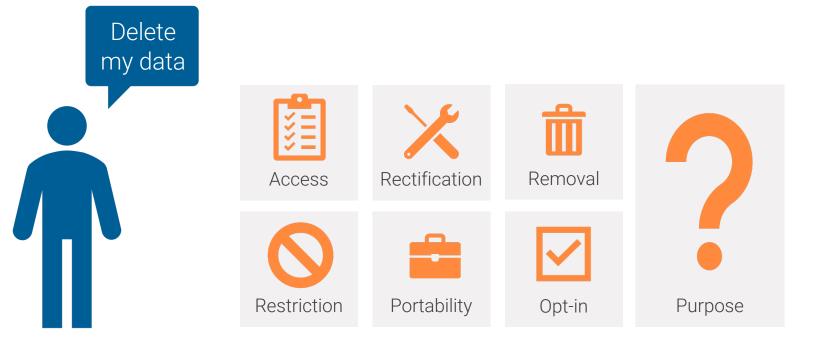
#### Personal data: know where it is & what it is





### DSARs: Data Subject Access Requests







### Privacy and Records must co-exist



## How do DSARs effect (interfere with) RIM/IG?

- DSARs can mess up normal retention/disposition timing
- They supersede ROT removal and other time vs. value calculations?



- Records Retention
- Legal Hold
- DSAR

Resolution Outcomes are different in different jurisdictions

- Notably EU vs. US
- Setting up a lot of "it depends"



### So how do you do it? Enter: AutoClassification

# How can tools like AutoClassification help establish, manage and maintain the principles of data privacy?

AutoClassification tools can play a significant role in establishing, managing, and maintaining the principles of data privacy within an organization. These tools use automated processes, machine learning, and predefined rules to categorize and classify data based on its content, context, and relevance.



## AutoClassifying Documents Goes From This..

NameDate modifiedTypeSizeLGPIF Final.pdf8/13/2016 9:26 AMAdobe Acrobat Document171 KB

#### To This..



#### Local Government Property Insurance Fund Actuarial Service Contract

THIS AGREEMENT effective this  $1^{at}$  day of February 2005 the Effective Date") by and between the Office of the Commissioner of "hourance (the "Agency" or "State of Wisconsin") and AMI Risk Consultants. Inc. incrementer referred to as "Contractor"

The purpose of this Agreement for actuarial services is to assist the Agency to accurately assesrate and premium levels and establish loss reserves (incurred but not reported, IBNR) for the Local Government Property Insurance Fund (the "Fund") on an annual basis to ensure the financial stability of the Fund.

I. Term. The term of this Agreement shall be for one (1) year, from the 1<sup>st</sup> day of February 2005, and expiring on the 31<sup>st</sup> day of January 2006. The contract may be renewed for two (2) successive one-year periods upon mutual written agreement of the parties. Contractor will notify the Agency six months prior to the annual expiration if it wishes to renew this Agreement and shall specify any amendments the Contractor wishes to propose.

**II. Contact Persons**. For purposes of administering this Agreement, the following representatives of each party are hereby designated as appropriate contact persons:

(a) For the Agency:

Danford Bubolz, Insurance Program Officer Local Government Property Insurance Fund 125 South Webster Street, Madison, Wisconsin 53702

#### (b) For the Contractor:

Aguedo M. Ingco, President AMI Risk Consultants, Inc. 11410 North Kendall Drive, Suite 208 Miami, Florida 33176-1031

#### III. Actuarial Services Required

A. Assist the Fund in annually establishing rates and adequate incurred but not reported claims reserves for the Fund.

DocType = Contract

Effective Date = 2/1/2005

Party Two = AMI Risk Consultants, Inc.

Term = 1 year

Renewals = two 1 year terms

Keywords = Actuarial Services

Elsewhere: exhibits, amendments, signatories, jurisdiction, cover page, etc.

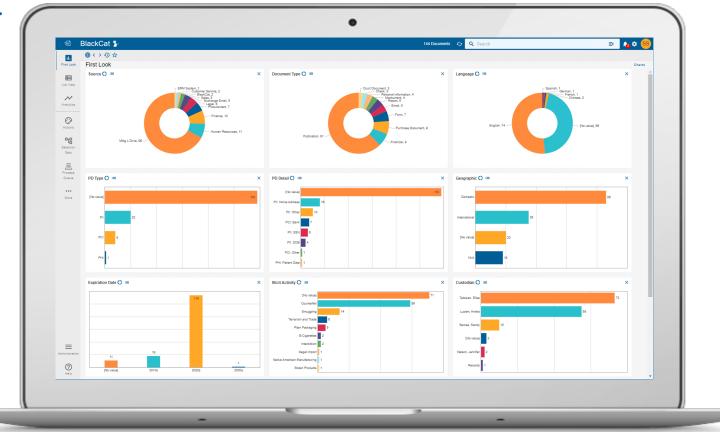
RecordType = Contract RecordClass = AP/AR Contract Retention = Expiration + 5Y

Handling = Delete after authorization

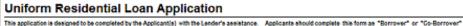
Sensitivity = Confidential (protection/redaction based on user access class)

## Retain or Delete?

# To This..

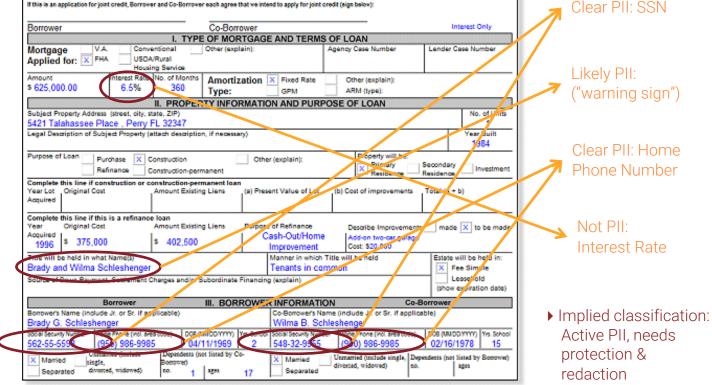


# Auto Classifying a Contract

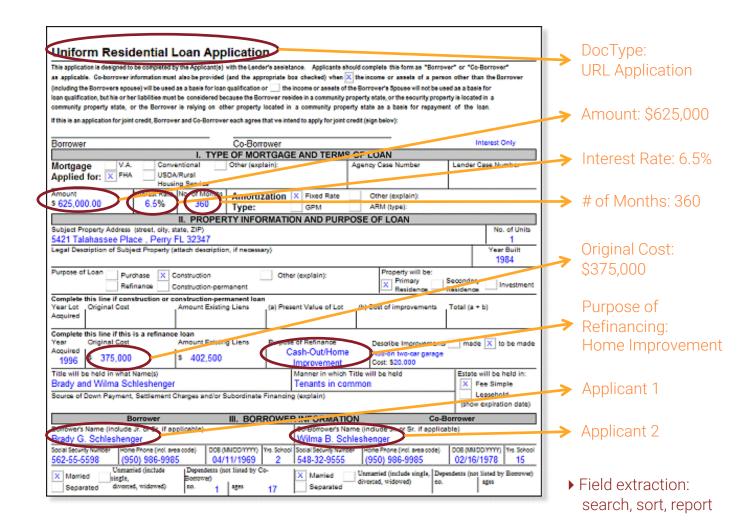


as applicable. Co-borrower information must also be provided (and the appropriate box checked) when 🔀 the income or assets of a person other than the Borrower (including the Borrower's spouse) will be used as a basis for loan gualification on the income or assets of the Borrower's Spouse will not be used as a basis for ican gualification, but his or her liabilities must be considered because the Borrover resides in a community property state, or the security property is located in a community property state, or the Borrover is relying on other property located in a community property state as a basis for repayment of the loan

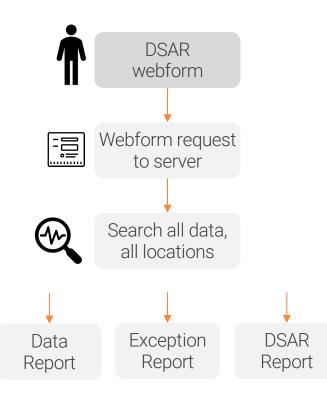
If this is an application for joint credit, Borrower and Co-Borrower each agree that we intend to apply for joint credit (sign below):



# Auto Classifying a Contract (details)



### DSAR Request Workflow





#### Data Request Form

First Name: Last Name: Account #: Service Address: Email: Phone:

Select all that apply:

- □ Request for disclosure (tell me about my data)
- □ Request for access (give me my data)
- Request for deletion (delete my data)

Preferred way for feedback on the request:

Email

□ In writing at Service Address



Where & How to Start: How to get your org on board

### Who will you need to get on board?



Every piece of content created has different value to each group

- ✓ Who owns the content?
- ✓ Whose goal is most important?
- ✓ What poses the greatest risk?
- ✓ Who owns the budget?

Common Goal: each group needs to be compliant with their mandate

### Shared content, Shared goals



Content management and data privacy within your organization is <u>everyone's</u> issue

- Organization and control are for the greater good
- ✓ Should be a shared resource
- ✓ Shared responsibility, shared cost

Common Goal: centralized management with distributed benefits

### How to stand up a data privacy program in 10 "easy" steps

What you'll need:

- 1. An understanding of the regulations and legal basis for your requirements
- 2. Policies documenting how you will operate and comply
- 3. Executive support to implement, maintain and enhance these programs
- 4. Appropriate tools to execute and ensure compliance
- 5. Ongoing diligence and management

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	_

#### What you'll get:

- 1. Data inventory (aka discovery, mapping)
- 2. Establish tagging/retention criteria
- 3. Baseline tagging & disposition
- 4. Remove low hanging fruit (ROT, dupes, past retention, etc.)
- 5. Implement automated retention that is data privacy-aware (ensures data minimization)

# Recommendations: How and where to start

#### Pilot Use Case

Start with a compelling use case

- Quick and easy that will prove ROI quickly
- Highest risk?
- Prove ROI



#### Look Forward

Always have an eye on future use cases

- What do you need for this application or use case?
- What will you need for future use cases?

#### Measure Results

Benchmark results and accuracy of pilot

- Accuracy of results?
- Increase guidance or seek SME?
- What reporting was useful? What else is needed?



#### Build on Success

Build business case on pilot alone then expand

- Prove ROI functioning system
- Where to next?
- Additional use cases running on same platform



#### Spread the Word

Sharing is caring, expand internally

- Host internal showcases for mgmt & other departments
- Design pilots that highlight important content, results or exposure points



# Cool. How long's that going to take?



#### Complexity

Of your data environment: cloud, on-prem, structured, unstructured data environments



#### Goals & Requirements

Input from stakeholders for enterprisewide approach to data governance.



Smaller organizations with less data will be faster to process than large enterprise.

Weeks

Months

### Phased Implementation



Planning

Prioritize data environments, align stakeholders, set KPIs



Limited data set to benchmark and forecast scope/scale



#### Implementation

Implement scale to process all enterprise content



#### Delta Monitoring

Continuously look for and process new & edited content

Weeks

Months





#### www.valoratech.com



#### Book a Demo



#### Webinar Series



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### Q&A

### Thank you



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