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Prepare and Conduct an Internal Privacy Audit

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Content

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General	What is a privacy audit and why is it necessary?
	Who needs to conduct one?
	When is an audit necessary?
How to …	The Plan, the auditor, the team
	Audit by topics, by goals or by processes?
	Close gaps at short notice

What is a privacy audit?

It is not a procedure that is formally prescribed in details in the GDPR. It is a check.

- Do we have … in place?
- Have we considered ...?
- Are we able to prove…?
- Have we carried out …?
- Is there a control for…?
- Have we organized…?
- Are we documenting….?
- Have we tested…?
- Have we finished…?

Why is it necessary?

- To ensure regulatory compliance
- To detect weakness
- As a selling point

Art. 5 GDPR
The controller shall be responsible for, and be able to demonstrate compliance with, paragraph 1 (‘accountability’).

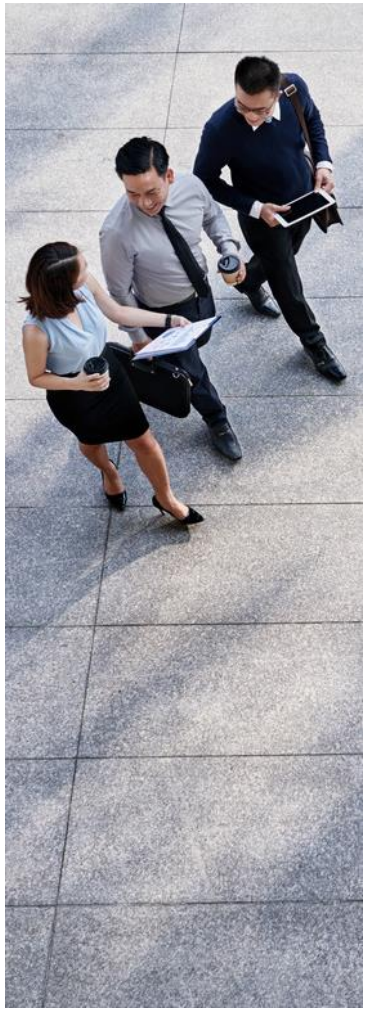
(… meaning the lawfulness, fairness and transparency, purpose limitation, data minimization, accuracy, storage limitation of the processing)

Art. 32 GDPR
[…] the controller and the processor shall implement […] a process for regularly testing, assessing and evaluating the effectiveness of technical and organisational measures for ensuring the security of the processing.

Who needs to conduct a privacy audit?

- Controllers
- Processors
- AND:

  Shareholders and Stakeholders may wish to conduct one (often with a particular focus)



When to conduct a privacy audit?

Time of conducting it?

Now

(after already 2 years of GDPR)

How **often** to conduct it?

Plan for every 1/1,5 years for general audits
Depending on the audit focus, plan several special audits
Important: Find a proper audit interval to generate benefit for the company and do not make it a solely burdensome exercise

AND: Conduct an audit after an incident or if you need to investigate certain processes.

How to… – the Plan

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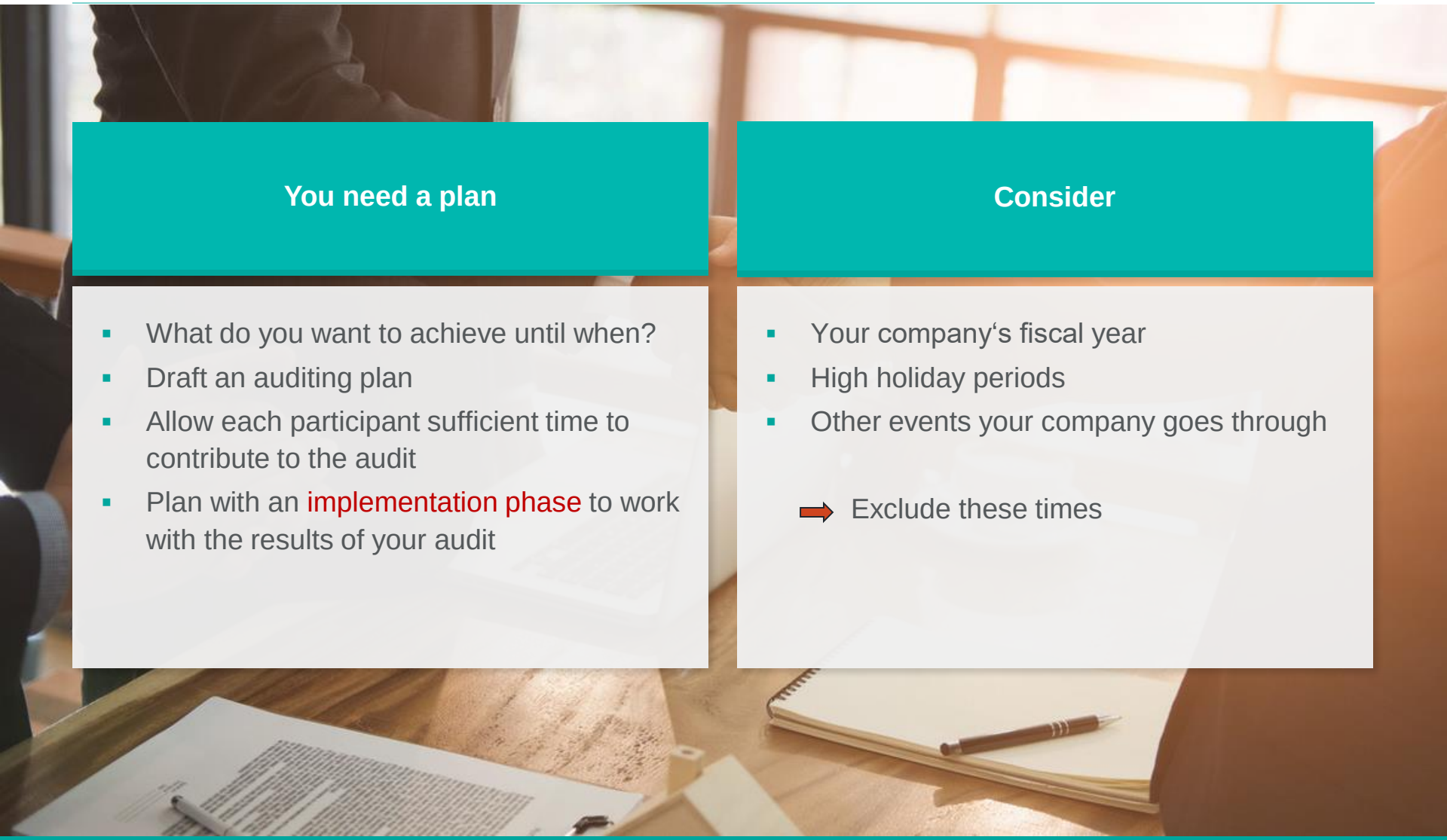

You need a plan

- What do you want to achieve until when?
- Draft an auditing plan
- Allow each participant sufficient time to contribute to the audit
- Plan with an implementation phase to work with the results of your audit

Consider

- Your company‘s fiscal year
- High holiday periods
- Other events your company goes through

➡ Exclude these times

How to… – the Auditor and the Team

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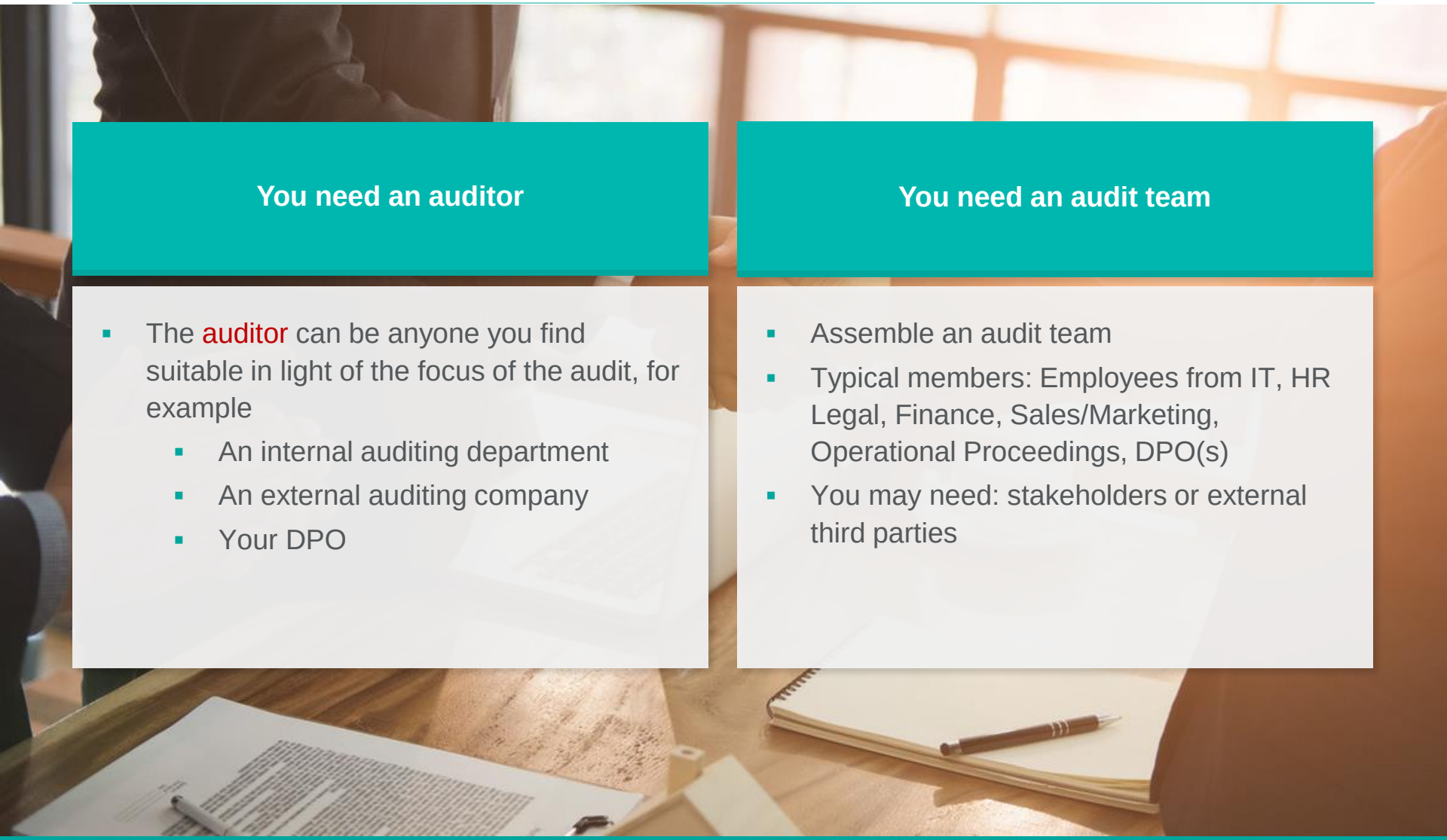

You need an auditor

- The auditor can be anyone you find suitable in light of the focus of the audit, for example
  - An internal auditing department
  - An external auditing company
  - Your DPO

You need an audit team

- Assemble an audit team
- Typical members: Employees from IT, HR Legal, Finance, Sales/Marketing, Operational Proceedings, DPO(s)
- You may need: stakeholders or external third parties

How to… - the Focus of the Audit

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Audit by topics

Audit by goals

Audit by processing

How to… - Audit by Topics (examples)

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- Data Protection Officer
- Lawfulness of processing
- Processing Register
- Privacy by Design and by Default
- Technical and Organisational Measures
- Deletion Concept
- Rights of Data Subjects
- Data Breach Responsiveness
- Data Processing Agreements
- Data Transfers

How to… - Audit by Goals (examples)

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Data Minimisation

Prevent unsolicited marketing mails

Regular updates of the ROPA

Detect old databases

Security of Passwords

Prepare the sale of the company

How to… - Audit by Processings (examples)

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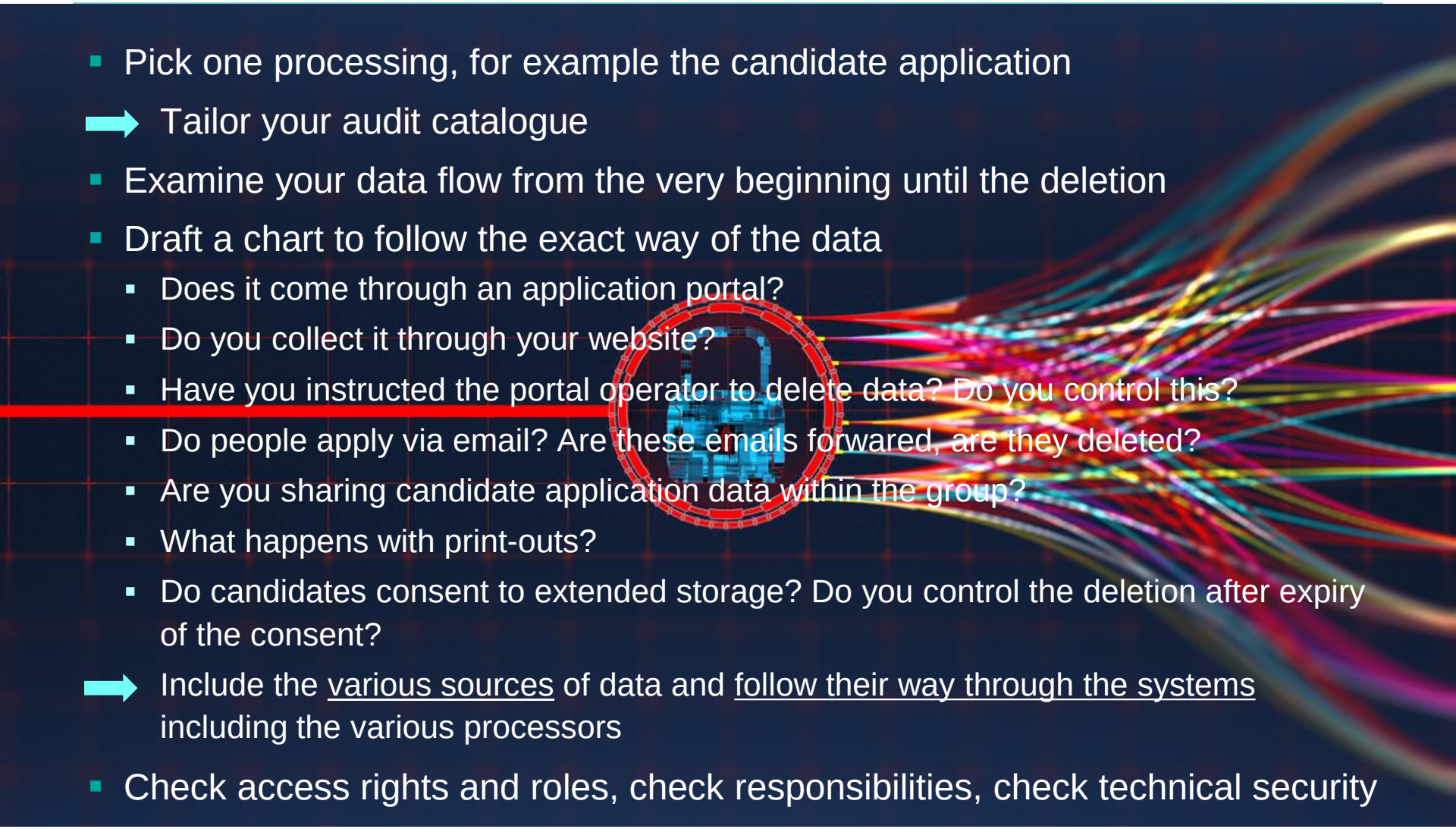

- Pick one processing, for example the candidate application

➡ Tailor your audit catalogue

- Examine your data flow from the very beginning until the deletion
- Draft a chart to follow the exact way of the data
  - Does it come through an application portal?
  - Do you collect it through your website?
  - Have you instructed the portal operator to delete data? Do you control this?
  - Do people apply via email? Are these emails forwared, are they deleted?
  - Are you sharing candidate application data within the group?
  - What happens with print-outs?
  - Do candidates consent to extended storage? Do you control the deletion after expiry of the consent?

➡ Include the various sources of data and follow their way through the systems including the various processors

- Check access rights and roles, check responsibilities, check technical security

How to… - Close gaps at short notice

- Prioritize the gaps in A, B, C

- Escalate within the firm
  - Escalation might provide you with more resource
  - Escalation will give the Directors the chance to react
  - Escalation will stress the importance of privacy compliance

- For A-gaps, don‘t wait for a smart solution but improvise
  - Don‘t look for volunteers to take a task, determine someone

- Schedule regular working sessions/calls to implement the results BUT

Try to be simple in implementation.

Strategies that are too ambitious will end up at a 25-40% implementation quote.

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Questions and Answers

Thank you!

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