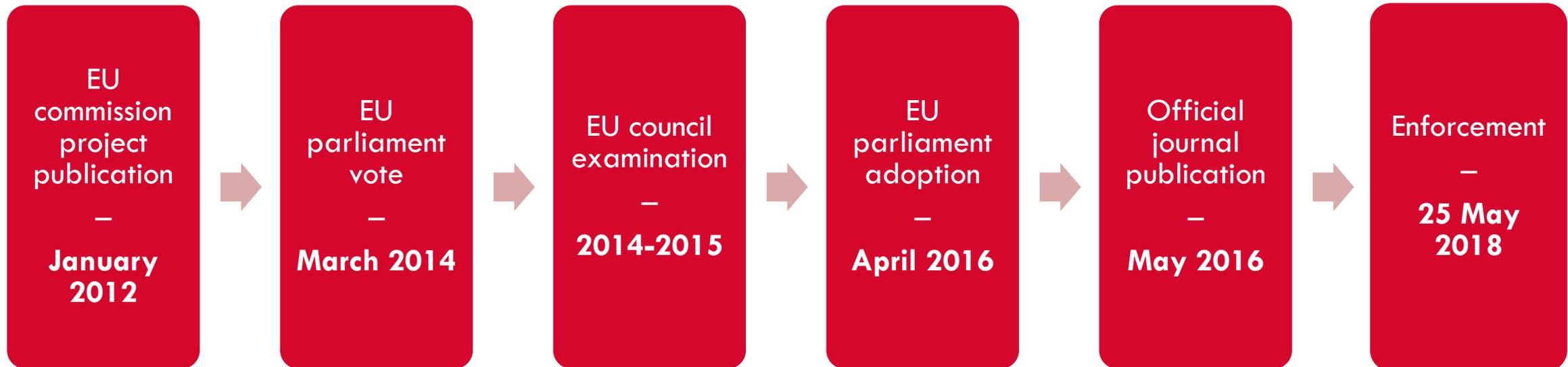


RED

SWISS CYBER STORM 2018 6 MONTHS LATER: IS GDPR A MEANS TO BRING BACK TRUST TO ONLINE PRIVACY?

Kursaal, Berne.
30.10.2018

MAIN MILESTONES



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**gives
al farewell**



FIRST RESULTS

01

FIRST RESULTS

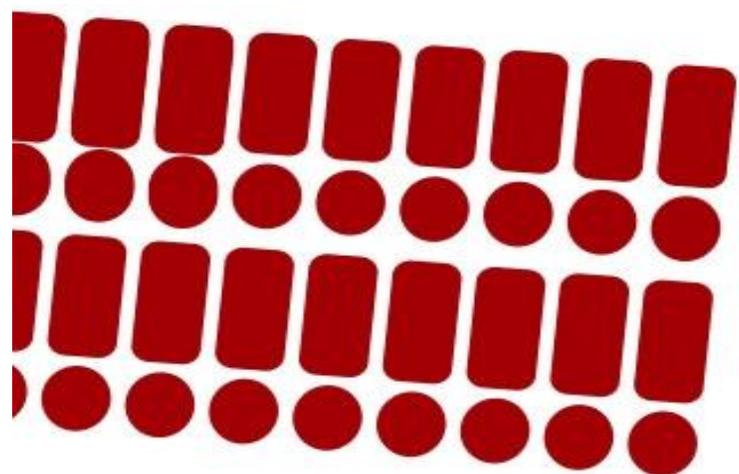
France - Net increase of the activity observed by the CNIL

- ~4'000 complaints from individuals
- 742 notifications of violation
- 200 transborder complaints
- 5 organizations sanctioned
 - (for security failure and purpose limitation)
 - (10'000 to 75'000 EUR)
- Few organisations received a notice to become compliant
 - Video surveillance misuse, purpose limitation, consent gathering

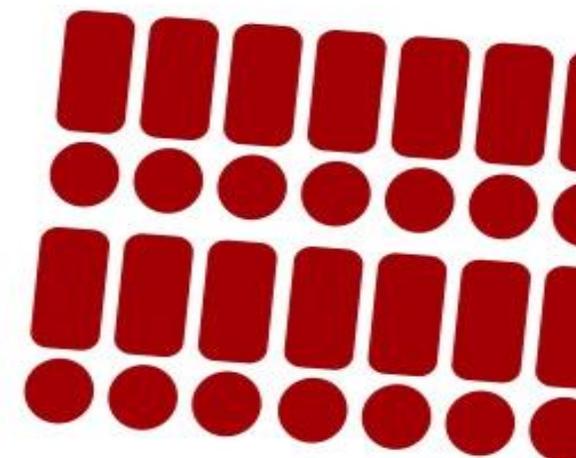
FIRST RESULTS

France

24'500 appointed DPO !!



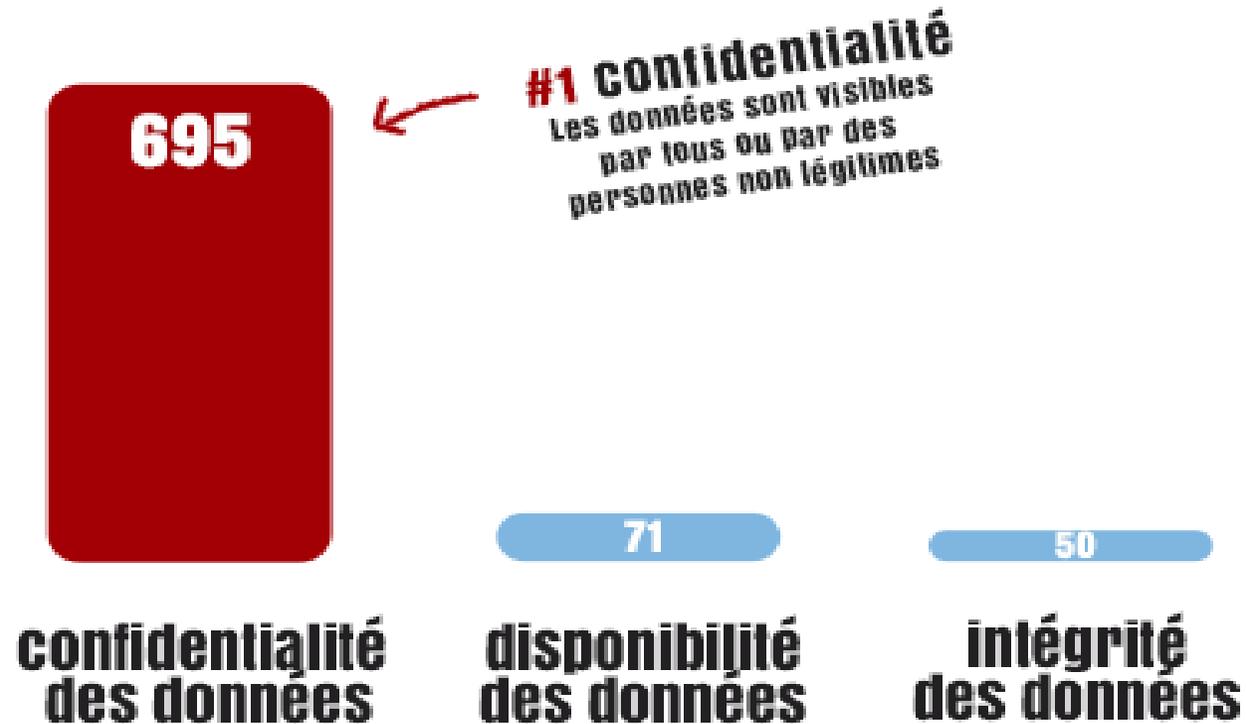
+ 742
notifications
de violation



concernant
33 millions
de personnes
en France et ailleurs

Source: Cnil.fr

Problèmes rencontrés



Source: Cnil.fr

FIRST RESULTS

Ireland - Facebook

- First major case with GDPR
- 50 millions of individuals impacted – 10% of EU people
- Breach announcement outside delays and missing details
- Irish data protection authority will launch an investigation

FIRST RESULTS

Germany – the road is still long

- The Regional Court in Bonn ruled a case against the ICANN: data minimization violation
- 25% of organizations fully compliant
- 40% are almost OK
- 30% are in the process but not yet started all activities
- 5% only started a compliance journey
- Compliance work has been underestimated by organizations

FIRST RESULTS

Portugal – The Barreiro Hospital

- The hospital had granted a too wide access to patients clinical data via their system
- The CNPD discovered 985 users with an access role for medical doctors registered, while there are only 296 physicians working at the hospital.
- Furthermore, patient data was not separated properly from archived data of another hospital
- Access authentication mechanisms were found to be insufficient
- The hospital was fined 400'000 €

FIRST RESULTS

Globally in the EU

More than 40'000 Complaints !

FIRST RESULTS

Outside EU – Massive breaches

- Hong Kong: Cathay Pacific Airways flags massive data breach, 9.4 million passengers impacted
- U.S.A: Anthem largest U.S. health data breach: 79M individuals
- Facebook breaches (latest : 50M of users)

FIRST RESULTS

Outside EU – Standards and authorities strengthens

- Brazil: A General Data Protection Law «GDPR-like» for 2020
- Canada: RTBF, The Privacy Commissioner ask the Federal Court if Canada can force Google to delete history
- New California Consumer Privacy Act of 2018

IN SWITZERLAND ?

02

SWITZERLAND

Swiss organisations that offers goods or services to data subjects in the Union, irrespective of whether a payment of the data subject is required, or monitor their behaviour as far as their behaviour takes place within the Union, are concerned by the GDPR.

(art. 3 §2)

- FADP revision – still to be done
- Risk for adequacy

SWITZERLAND

Big Organisations

- Compliance journey ongoing / almost on a self improvement (DPMS) mode

Small and Medium Organisations

- Mostly doing inventory of processing activities and contract reviews (or nothing)

CHALLENGES

03

DON'T BELIEVE THE 'I MAKE YOU COMPLIANT' SOFTWARE VENDORS !!



CHALLENGES

Overall

Which governance to apply ? EU Rep ? DPO ?

Difficulties to find a DPO

How to complete an 'operational ready' inventory ?

How to transform it into opportunities ?

Compliance work has been underestimated by organizations

CHALLENGES

Switzerland

Am I concerned ?

CHALLENGES

Top 10 operational impacts – Source IAPP

Part 1: Cybersecurity and data breach notification obligations

Part 2: The mandatory data protection officer requirement

Part 3: Consent

Part 4: Cross-border data transfers

Part 5: Profiling

Part 6: RTBF and data portability

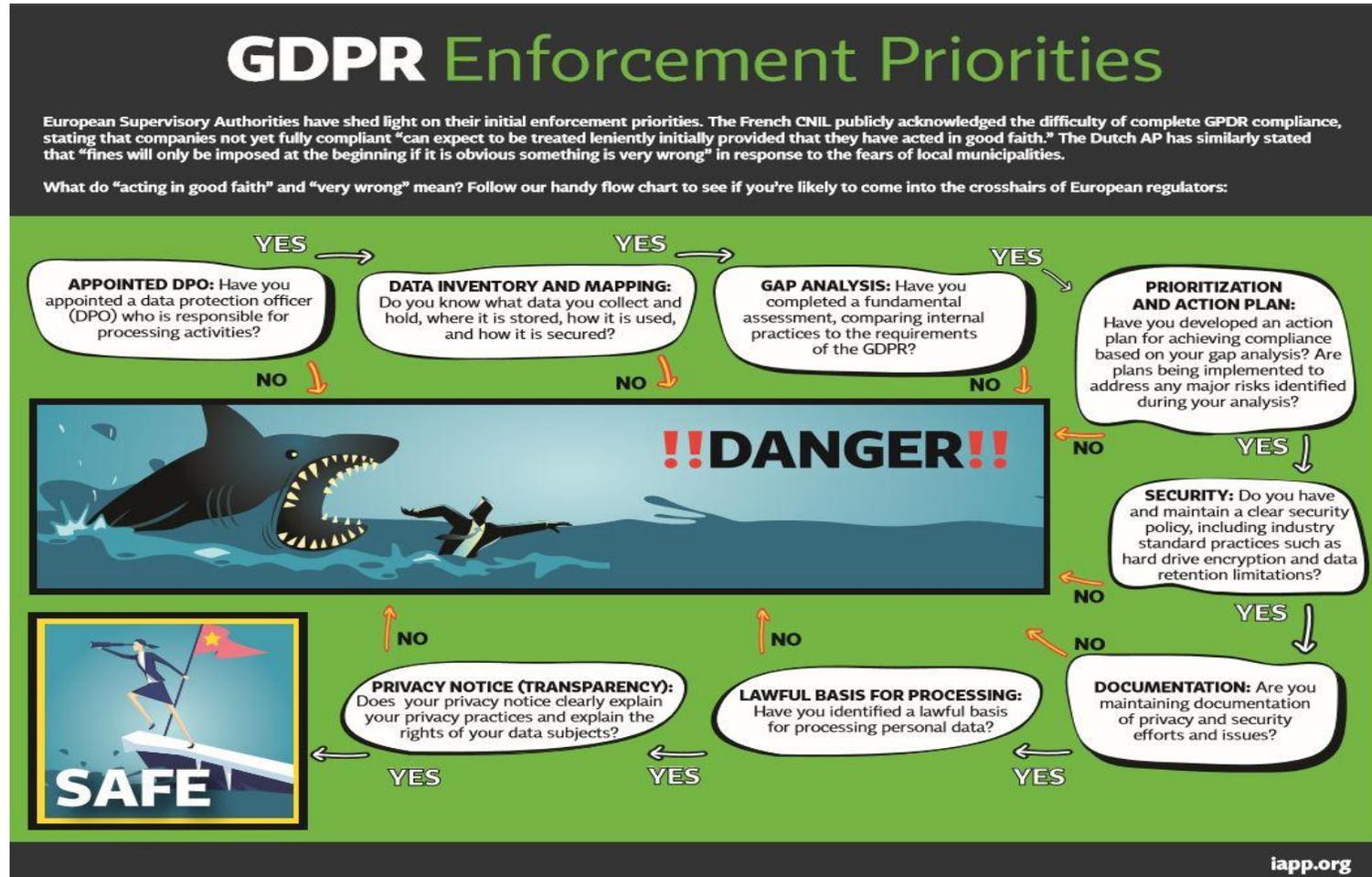
Part 7: Vendor Management

Part 8: Pseudonymization (or security)

Part 9: Codes of conduct and certifications

Part 10: Consequences for GDPR violations

A RECAP? YES PLEASE!



CONCLUSION

04

CONCLUSION

- Overall legislative landscape improving
- Organisations ~~tends to better manage their data~~ (or at least comply with the regulations)
- Some individuals understand and uses their rights

CONCLUSION

Regulators provide very good free material and respond to questions !



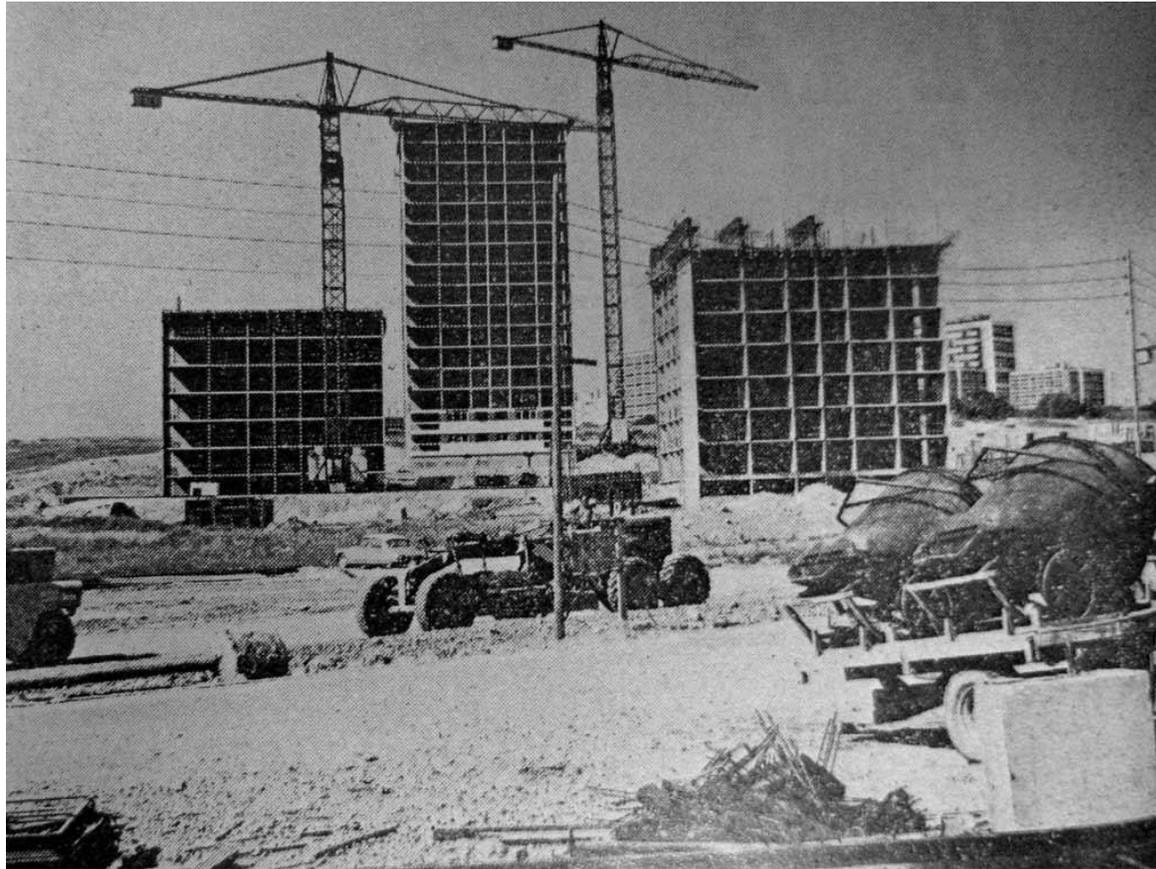
CONCLUSION

- Generally breaches are still unseen (or not important) to people
- Overall knowledge and awareness is very low
- Miss the 1st 'big hit'
- Organisation still have the 'change to comply' speech instead of a paradigm change.
- Cookies disclaimer, consent are still seen as 'annoying'

CONCLUSION



CONCLUSION



CONCLUSION



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