

THE DPO: FROM ITS FIRST STEPS IN 2018 TO THE DEVELOPMENT OF A SUSTAINABLE FUNCTION

Benchmark study



Our benchmark covers multiple sectors worldwide through quantitative and qualitative methodologies

Methodology

Quantitative

- Through an **online questionnaire**



- Through the **cross-referencing of the results** with the analysis of our internal **market intelligence unit**

Qualitative

- Through **live interviews** (90 min)



Scope

Geographical coverage and implementation



Sectors



Telecom.



Gaming



Public sector



Food Industry



Energy



Automobile

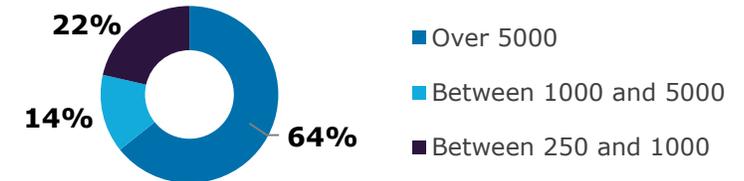


Industry



Bank/Insurance

Company's size through **number of employees**



Agenda



DPO Role & Organization



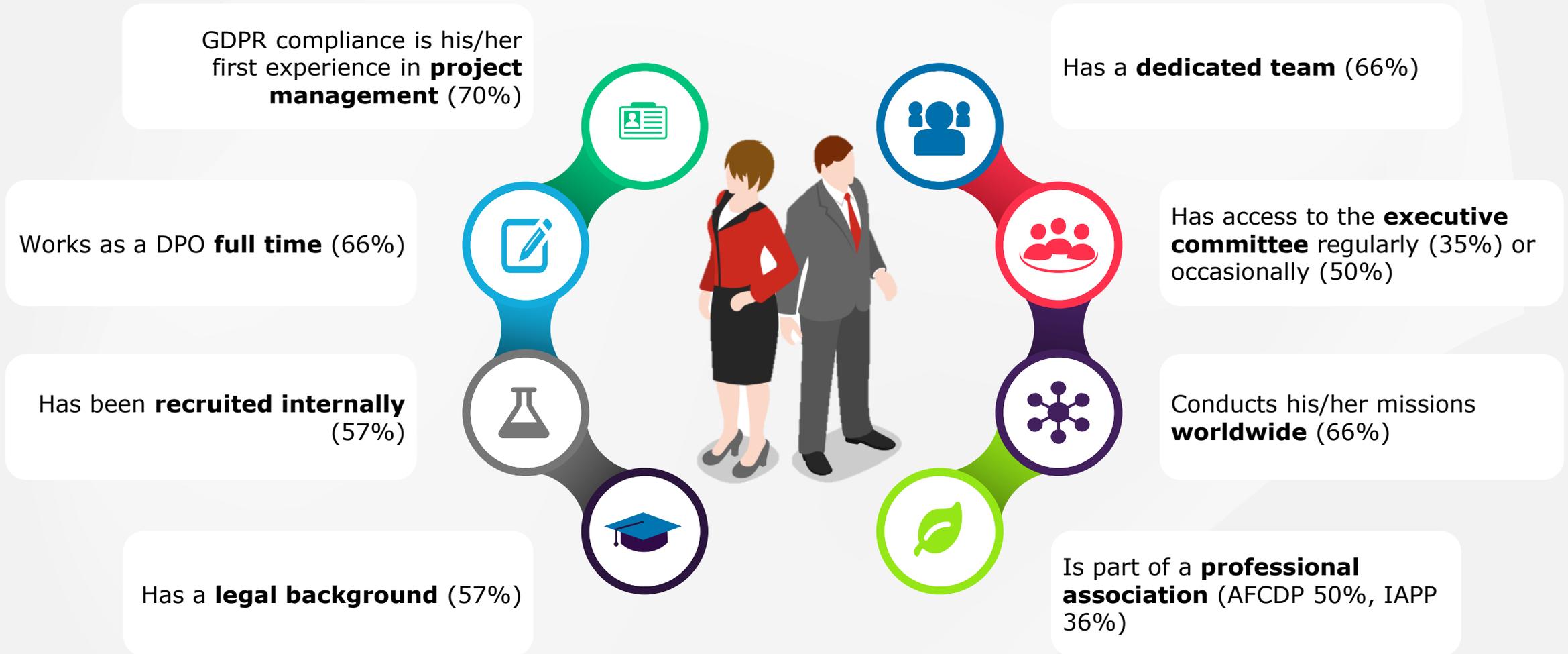
DPO main achievements since 2018



DPO main challenges moving forward

The online questionnaire and interviews aim to get inputs regarding

Who is the DPO?



GDPR compliance: where do we stand?



Completing the Data Processing Record

57% of respondents completed the **Data Processing Record**

70% should have completed it by the end of the year

Different approaches to complete the DPR:

- Completion by the DPO or a member of his team
- Completion by local delegates on their perimeter
- Completion by each business owner on their activity



Conducting Data Protection Impact Assessments

43% of respondents conducted all their Data **Privacy Impact Assessments**

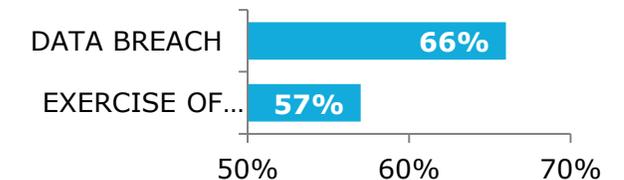
66% should have completed them by the end of the year

- DPIAs must be completed at Group level: **coordination between affiliates is key**
- A first **Risk analysis** can be conducted **through the DPR** to identify priority remediation actions



Design of other methodologies and procedures

Procedures designed



Most procedures have been designed by DPOs, with a focus on **priority topics**. However, the **implementation** of these procedures still needs to be secured.

Topics that seem to be more difficult to achieve:



Data Storage limitation



Contracts with subcontractors <10%



Data processing compliance



Employee awareness 15%

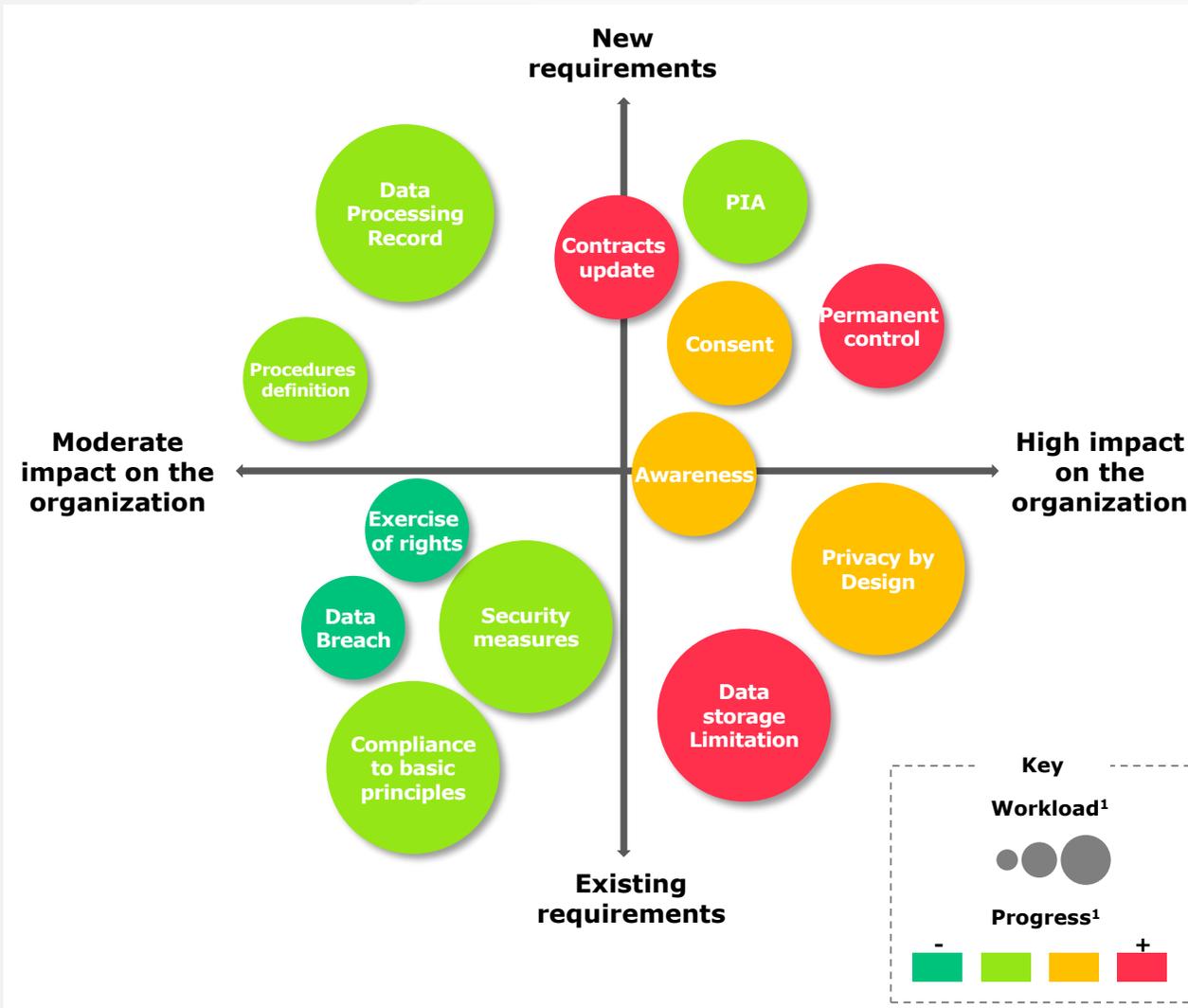


Permanent control <10%

As of today, Data protection officers are still in a **project phase**.

Efforts have been concentrated on **new requirements**, with difficulties met when compliance has an **impact on the organization**

How to analyze overall compliance level?



Demonstration of Accountability

- Overall, DPOs have considered that some initiatives were already launched/implemented in their companies to comply to basic Data Privacy principles (Lawfulness, purpose, security...) before GDPR.
- As a consequence, DPOs have focused first on ensuring "accountability" by securing necessary regulatory documents: Data processing Record, procedures & methodologies, priority contracts, privacy notices...



Leverage on the Data Processing Record and other regulatory documents to monitor compliance

Lack of Resources

- Certain topics, considered as priority, such as the construction of a Data Processing Record require an important workload, triggering low resources to allocate to other requirements
- Topics that involve technical modifications in applications/tools to achieve compliance can require major costs: implementing data storage limitation or anonymization solutions can cost millions of euros, when two third of DPOs consider that they have a limited budget



Adapt your **compliance program** and **prioritize topics** to **match your company's ambition** in terms of compliance

Difficulties to ensure change management

- Topics that imply modification of day to day practices require an evolution of employees behaviors
- As such, some requirements (such as consent collection, Privacy by Design, Permanent Control, employee awareness) take time to be effectively implemented in the organization



Include **change management** both as a **specific work stream** of your compliance program and as **part of each project stream**

1. Based on quantitative study, qualitative study and Capgemini experience with its clients

The DPO's main challenges moving forwards



Complete the path to compliance and address more complex topics

Key requirements still to be fully implemented

Secure transition to « Business As Usual »

DPO office transition from a project phase to a run phase



Anticipate upcoming challenges

Leverage of ongoing projects to integrate new specs to be handled in the near future because of the development of AI, Big Data and other new technologies





Complete the path to compliance and address more complex topics

Key requirements still to be fully implemented



Updating contracts

- **66%** of respondents believe that **updating contracts** will be one of their main activities in 2020
- In some cases, DPOs believe that “There are too many contracts for them to be entirely covered”



Completing employee awareness

- **66%** of respondents believe that **completing employee awareness** will be one of their main activities in 2020
- “Awareness is never completely finished” and needs to be reconducted regularly for GDPR to become part of the **company culture**



Ensuring compliance of existing processes

- **50%** of respondents believe that **ensuring compliance of existing processes** will be one of their main activities in 2020
- Even when basic principles such as Purpose and lawfulness of the data processing seem to be respected, newer principles and more complex topics have yet to be systematically implemented



Our convictions to tackle these challenges

Leverage on the Data Processing Record

- **Using the DPR as a monitoring tool** to analyze processes and guide compliance will ensure exhaustivity and efficiency of the compliance program

Delegate and monitor awareness

- Training Data Privacy Delegates so that they are able to conduct awareness sessions on their perimeters will enable better coverage while optimizing your efforts
- Monitoring awareness with relevant KPIs is key to reach objectives

Prioritize contracts

- Focusing on **priority contracts** according to their **sensitivity** is the best approach to avoid risks



ICARE

Capgemini designed a tool that can scan contracts and recommend updates on specific needs while providing a clear vision on risks



Secure transition to « Business As Usual »

DPO office transition from a project phase to a run phase



Building the DPO office and mobilizing its actors

- **57%** of respondents believe have set up a Data Privacy Governance within their organization. Over **20%** are in the process of doing so.
- **30%** of DPOs have delegates that perform their role full time: mobilization in a situation of “best effort” is key
- The main skills that DPOs are seeking are: **legal, project management and IT risk/security**
- “Overall, the DPO must be able to find the skills he does not have and leverage on other people’s skills to carry out his mission successfully”



Construction of tools and operating procedures

- **70%** of respondents believe that **conducting GDPR** audits will be one of their main activities in 2020
- To help with their activities, DPOs use tools such as OneTrust (20+%) and Nimity (15%), but most DPO still use an Excel
- file for their Data Processing Record (>50%)
- Reluctance to “Invest in a new tool instead of focusing on other priority subjects”



The DPO and his office as a business partner to the organization

- **66%** of respondents consider that it is part of their mission to act as a **business partner** for business teams that handle personal data and help them **create value for the organization**



Focus Slide 9



Our convictions to tackle these challenges

Key success factors to build an efficient and sustainable DPO office:

- **Identify key competencies** relying on the DPO’s ecosystem to address legal, technical and organizational aspects of GDPR compliance
- **Nominate delegates wisely:** people with enough influence in the company to conduct change efficiently while still being close to the operational aspects of the business
- **Define the appropriate governance** (roles, interaction modalities) and tools for your DPO office so that delegates can
- **Define control & audit plans** and leverage on existing tools (DPR, DPIA) to monitor compliance and optimize existing processes



Capgemini can support DPOs with the construction and optimization of a DPO office and secure transition to BAU so that they can concentrate on the more strategic aspects of their mission and aim for a robust compliance

The DPO and his office as a business partner to the organization



The DPO has a strategic and challenging role: maintaining a balance between **regulatory constraints** and **business requirements**

Over 25% of respondents plan to **align their activities** with those of the **CDO**
"The DPO must advise and support the CDO by giving him the keys to construct a responsible data governance"



The DPO's levers to bring value to the business

- **Acceleration of the company's digitization** driven by the need to achieve compliance
- **Creation of synergies** with other key data players in the company such as the CDO
- **Optimization of business activities** through better data collection, more efficient use of databases, and homogenization of processes and tools
- **Monitoring of technological developments** likely to impact the business
- **Data value creation** by helping businesses to valorize data in an ethical and GDPR compliant way



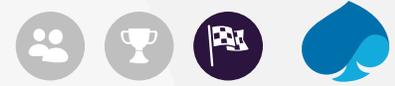
The DPO can support businesses wishing to create value from data by ensuring they do so in an ethical and GDPR compliant way



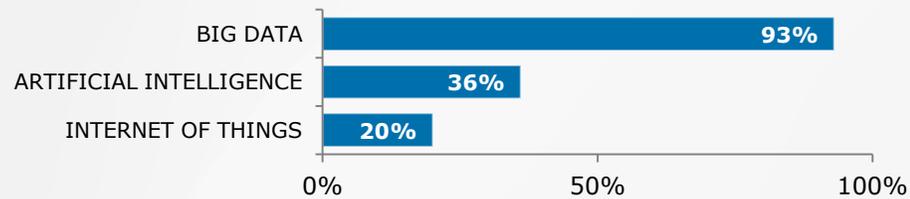


Anticipate upcoming challenges

Leverage of ongoing projects to integrate new specs to be handled in the near future because of the development of AI, Big Data and other new technologies



What are the main challenges you must face while performing your role?



New technologies such as AI, IoT and Cloud represent a challenge in terms of Data Privacy but are unavoidable if we want our company to remain competitive



Data Privacy in the era of Big Data and AI

- Not only do data processing involve more and more data, they now also involve practices such as **profiling** and **automated decision-making** which have a high impact on privacy



The growing concern of sustainable AI

- A majority of French people consider that AI could be a **threat to democracy** (47%) & to **privacy** (71%) (CSA survey – January 2018)
- “The DPO will play a key role in ensuring the sustainability of Artificial Intelligence in its company” through levers such as the **definition of a code of ethics** or his/her **contribution to the ethics committee**



Our convictions to tackle these challenges

Join your efforts to approach these topics

DPOs must **coordinate with their counterparts**, through think tanks and study Groups, to **anticipate the** impacts that Big data, AI and other technologies will have on their industries in terms of Data Privacy.

The DPO is key to ensure the sustainability of AI

To ensure the implementation of ethical and trustworthy AI, companies can leverage on methodologies developed in their GDPR programs:

- Impact assessments** during the design phase
- Control procedures** to identify AI bias
- Communication channels with users** to allow the reporting of breaches
- Large-scale **awareness programs**



Capgemini can support companies wishing to implement sustainable by design AI-based projects with an approach focused on Governance & Processes and People & Change

Data Privacy in 2020: Key takeaways



The end of the road to compliance

Ensure compliance beyond accountability

DPOs have concentrated their efforts on demonstrating accountability, and must now focus on remaining priority topics such as the compliance of existing data processing

Manage change

To address topics that require an evolution of employees behaviors, DPOs must address change management as specific topic of their compliance program

Leverage on your ecosystem

The DPO must delegate as many topics as possible to the DPO office, Data Privacy Delegates and other relevant actors (CISO, CDO...) and use existing tools, such as the DPR, to monitor compliance

The DPO'S transition to "business as usual"

Build a sustainable DPO Office

To build an efficient and sustainable DPO office, The DPO must identify key competencies, nominate delegates, define roles & interactions and design control plans and other BAU processes

Aim for a robust compliance

Once a sustainable DPO office has been implemented, the DPO must go one step further in terms of compliance by addressing more the complex aspects of each topic

Prepare for the evolution of your missions

In BAU, the DPO must prepare to concentrate his/her efforts on the most strategic aspects of his/her function: liaison with regulatory authorities, customer relations, risk management, business support, influence on decision-makers...



The DPO'S strategic role in the organization

Act as a business partner to the organization

The DPO, beyond compliance, must act as a business partner to the organization while maintaining a balance between regulatory constraints and business requirements

Prepare your company to face new ethical challenges

The DPO has a strategic role regarding Data & Ethics, and must therefore stand as a key actor in preparing the company to face new ethical challenges regarding the development of AI, Big Data and other new technologies

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