

# ZASIO

YOUR COMPLETE INFORMATION GOVERNANCE PARTNER

## Virtual Coffee with Consulting

# Built To Last: Developing Privacy as a Retention Schedule and Program Foundation

March 14, 2024

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**The information provided in this presentation is not legal or other professional advice and should not be construed as an advertisement for legal or professional services; instead, all information presented is for general informational purposes only. Opinions are from the presenters, and do not represent the views of Zasio.**

# Meet Our Presenters

Records & Information Management Experts



**Jennifer Chadband, CRM, IGP,  
CIPP/E, Licensed Attorney**

Senior Consultant / Consulting  
Co-Manager



**Rick Surber, CRM, IGP  
Licensed Attorney**

Senior Consultant / Consulting  
Co-Manager

# Today's Agenda

## Discussion

- Design & Plan
- The Building Blocks
- Construction
- Management & Maintenance

## Questions



# Privacy Laws — By Number

Here's what's going on...

**242**

Total Number of Global Privacy Laws Approved or in Review

**30**

Number of Privacy Laws Passed in 2023

**137**

Number of Countries with Comprehensive Privacy Law

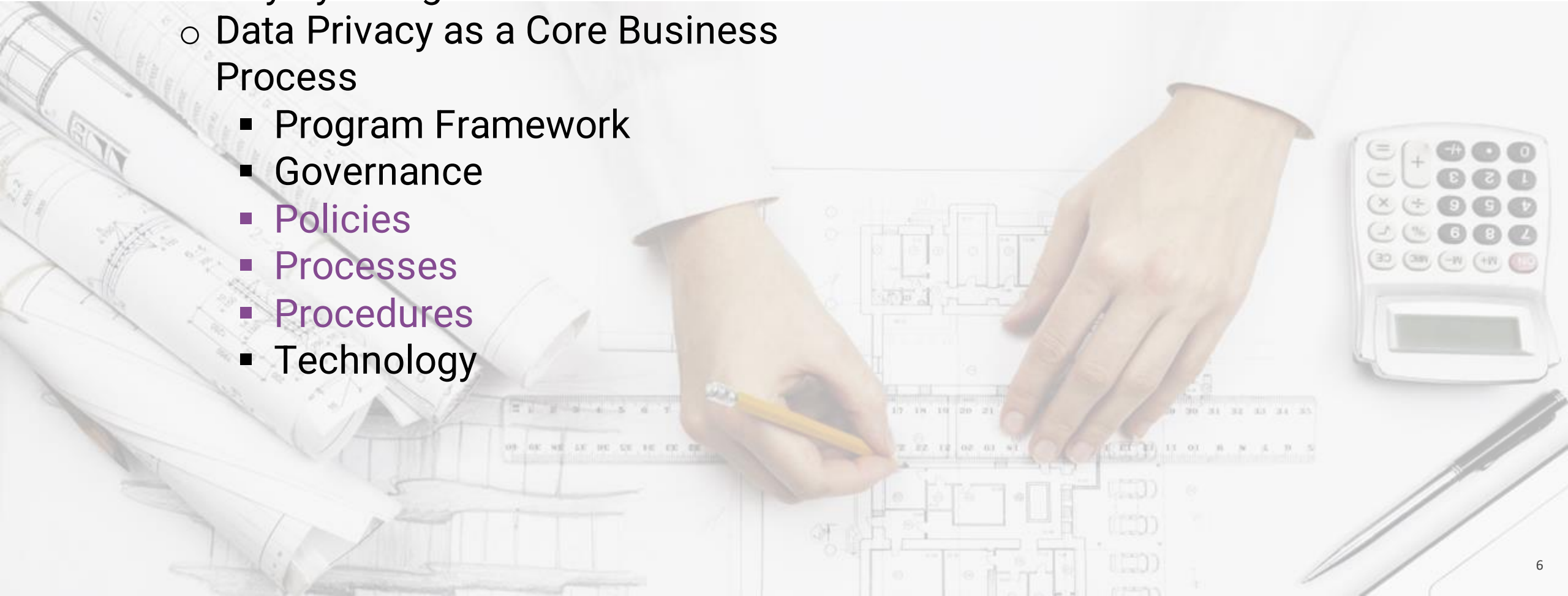
**?**

2024 Forecasted Number of New Privacy Laws 2024



# The Design & Plan

- Privacy by Design for RIM/IG
  - Data Privacy as a Core Business Process
    - Program Framework
    - Governance
    - Policies
    - Processes
    - Procedures
    - Technology



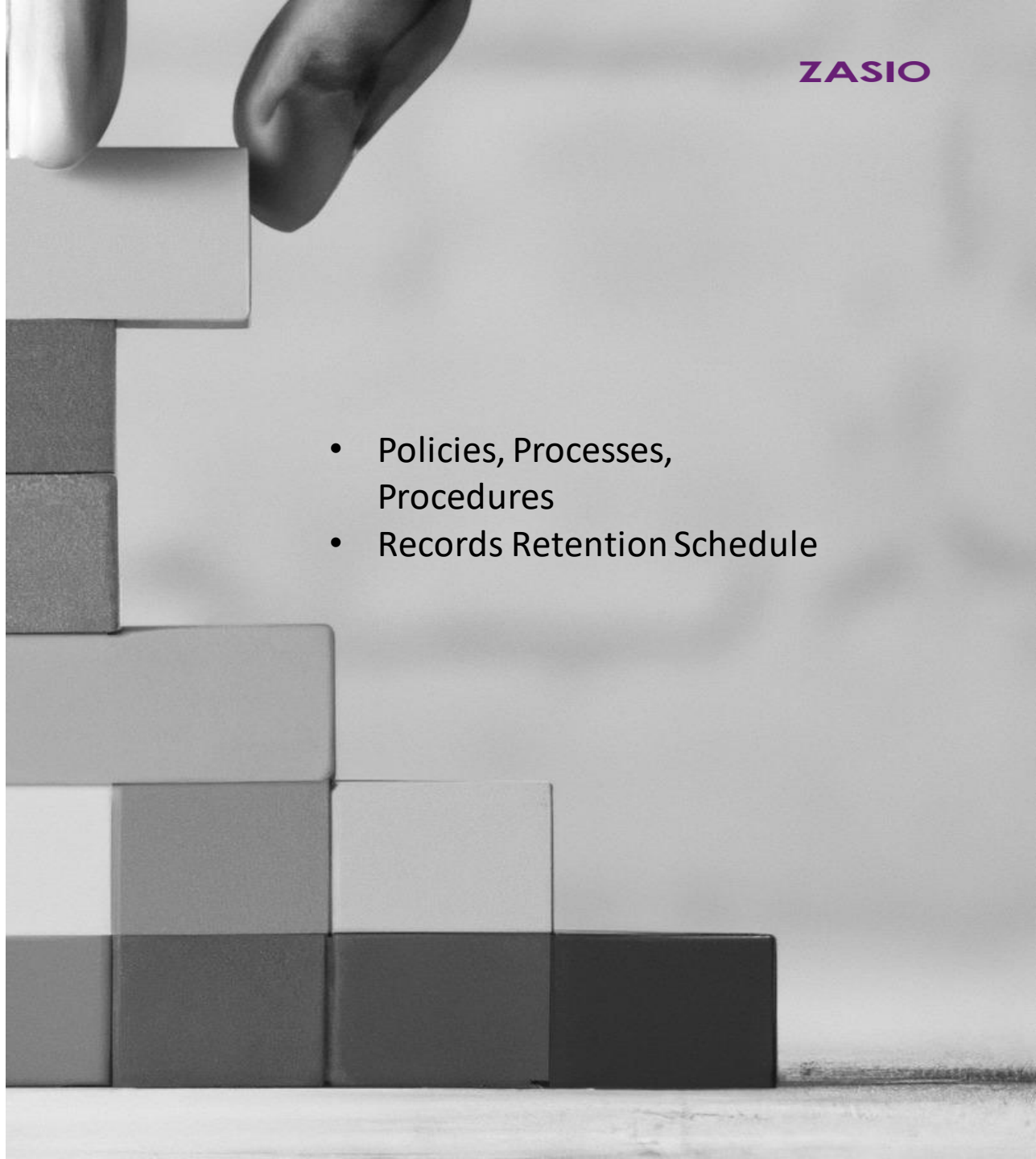
# The Building Blocks



# Subject Rights


- Informed
- Access
- Rectification
- Erasure
- Restrict processing
- Portability
- Object to processing
- Automated decision-making and profiling

Zasio Citation #: 191

- 
- A black and white photograph of a hand placing a rectangular block on top of a staircase-like structure made of several other rectangular blocks of varying heights. The background is a plain, light-colored wall.
- Policies, Processes, Procedures
  - Records Retention Schedule



# General Privacy Storage Limitation

- 
- Policies, Processes, Procedures
  - Records Retention Schedule


*"...Personal data shall be...kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed..."*

- Council Regulation (EU) 2016/679 (General Data Protection Regulation), Article 5

Zasio Citation #: 163

# Transfers

## Cross-border

- 
- Policies, Processes, Procedures
  - Records Retention Schedule


- Necessity
- Contractual clause
- Adequacy agreement
- Notice
- Consent
- Localization

Zasio Citation #: 103


# Breach Notifications

- Notify without undue delay
  - Supervisory authority
  - Data subject
- Investigation
- Details

Zasio Citation #: 220

- 
- Policies, Processes, Procedures
  - Records Retention Schedule

# Subject Consent

- 
- Policies, Processes, Procedures
  - Records Retention Schedule

*“any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.”*


- Council Regulation (EU) 2016/679 (General Data Protection Regulation), Article 4

Zasio Citation #: 170

# Maximum Retention Requirements

- Retain no longer than specified period of time
  - Specific category of PI
  - Defined time period
  - Disposition method?

Zasio Citation #: 224

- 
- Policies, Processes, Procedures
  - Records Retention Schedule

# The Construction: Building Privacy Into Your Program



# Where's the Personal Information?

- Information Collection
  - Surveys & Interviews
    - Records
    - Non-records or Data
- Business area focus
  - Human resources
    - Employees
    - Prospective hires
  - Sales & Marketing
    - Customers
    - Prospective customers
  - Industry-Specific
    - Healthcare
      - Patients





# What's the Personal Information?

- General Personal Information
- Health Information
  - Employees
  - Patients
  - Customers
- Sensitive Personal Information
  - Race or ethnic origin religion, political affiliations, sexual orientation, criminal history, and trade union or association memberships
- Risks
- ...where, how, jurisdictions, etc...



# Records Retention Schedule & PI

- Alignment
- Functions
  - Human Resources
  - Sales & Marketing
  - Customer Support & Services
  - Research
  - Patient Support & Services
- Record Series
  - Where does it stop?





# RRS

## Privacy Gap-Fill & Updates

- Record Series
  - Privacy Process Specific
    - Records of Processing
    - Data Subject Requests
    - Policies & Framework
    - Breach Investigations
  - Retention Based Carve-Outs
    - Jurisdictional Exceptions
    - CCTV
    - Background Checks
    - Biometrics
    - Sensitive Personal Data
    - Financial Information
    - Non-hires

# Data Privacy Policies & PI

- Policies / Processes / Procedures
  - Enterprise-wide Data privacy policy
  - Data classification policy
  - Records and Information Management Policy
  - Subject Access Request Response
  - Breach Incident Investigation & Response
  - Informed Consent
  - Notice



# Management & Maintenance

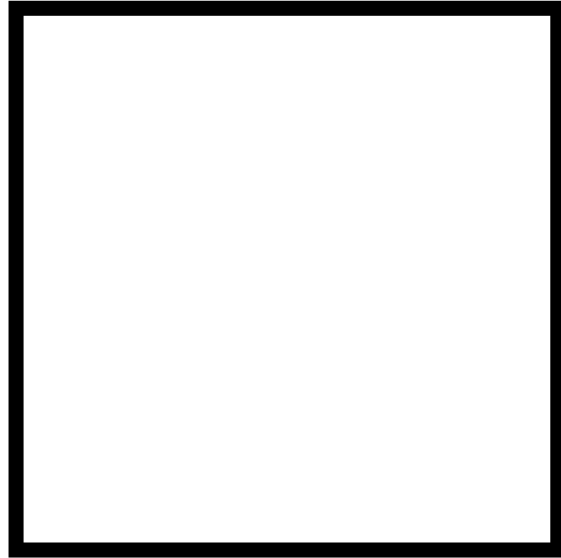


# Why?

- Frequency of New Laws
- Constantly Evolving
- Compliance & Audit
- Tracking Most Stringent
- Identifying Outliers
- Tracking Retention Period Drivers
  - Legal Recordkeeping Requirements
  - Legitimate Interests
    - Business
    - Legal
    - Operational
    - Other

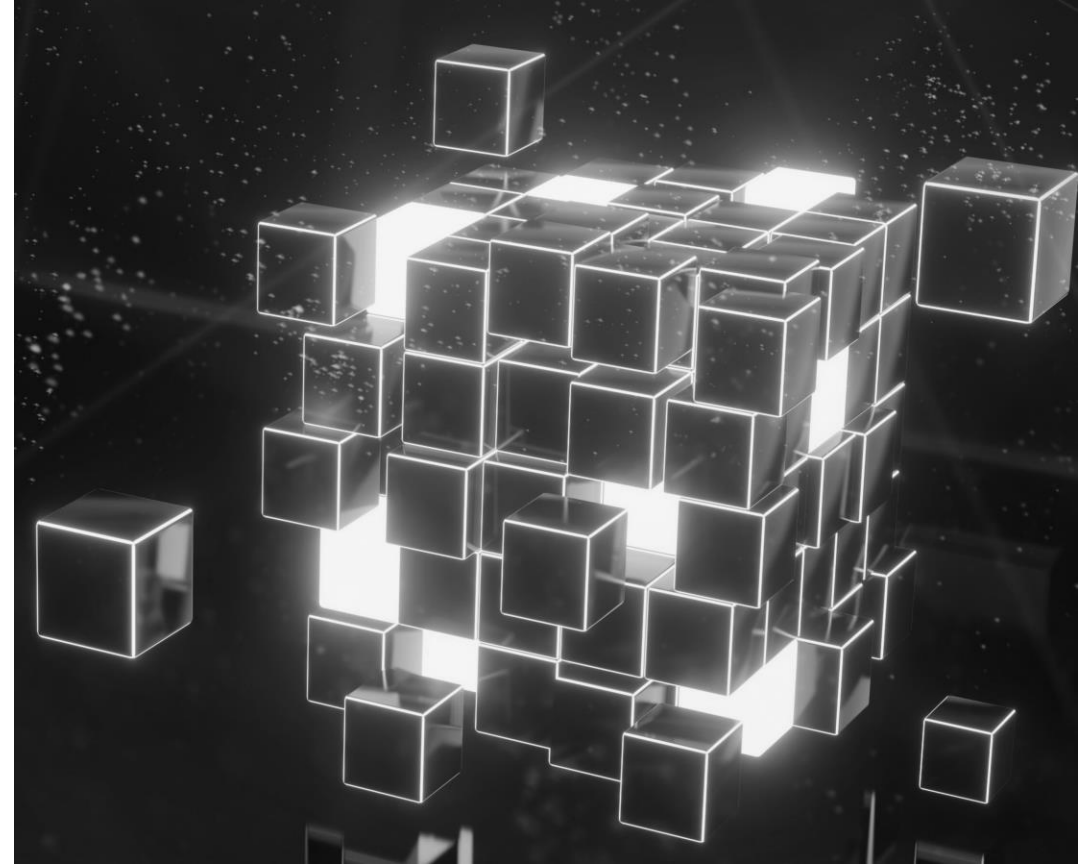


# 2-Dimensional



v.

# 4-Dimensional



# Thank You!

Questions?


# Tuesday, April 16


Registration link coming soon to your email.


**ZASIO WEBINAR**  
INFORMATION GOVERNANCE EXPERTS


SESSION 2

## CPR FOR INFORMATION GOVERNANCE: THE CONVERGENCE OF CYBERSECURITY, PRIVACY, AND RETENTION

  
**Warren Bean**  
VP Technology & Product Development

  
**Will Fletcher**  
Legal Counsel

 **TUESDAY**  
04 | 16 | 2024

 **9**  
AM MT

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