

Data Protection

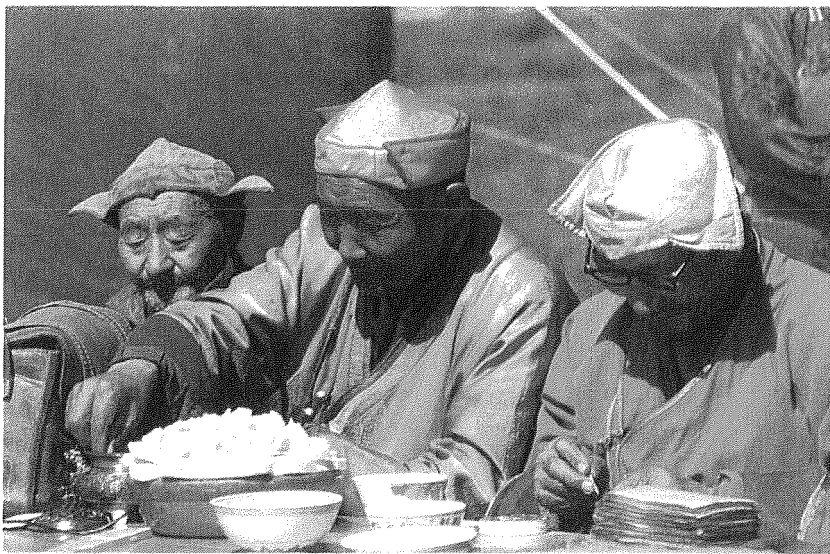


Tackling the challenges

24 April 2009

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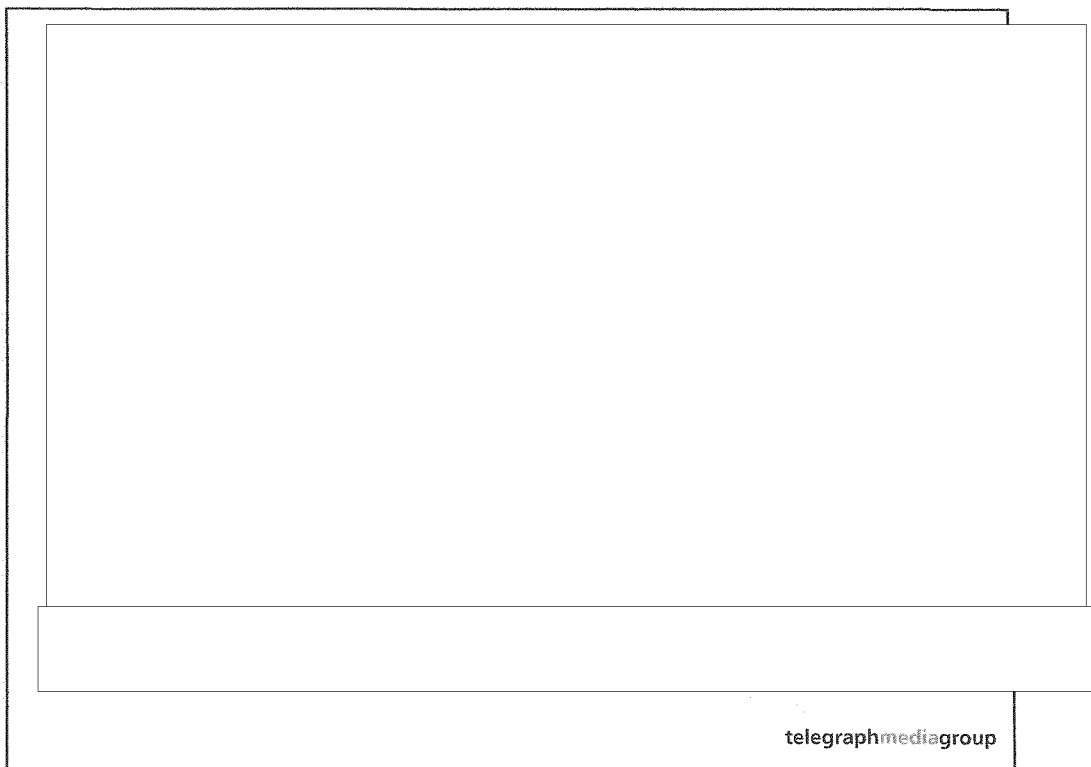
Where are we today?



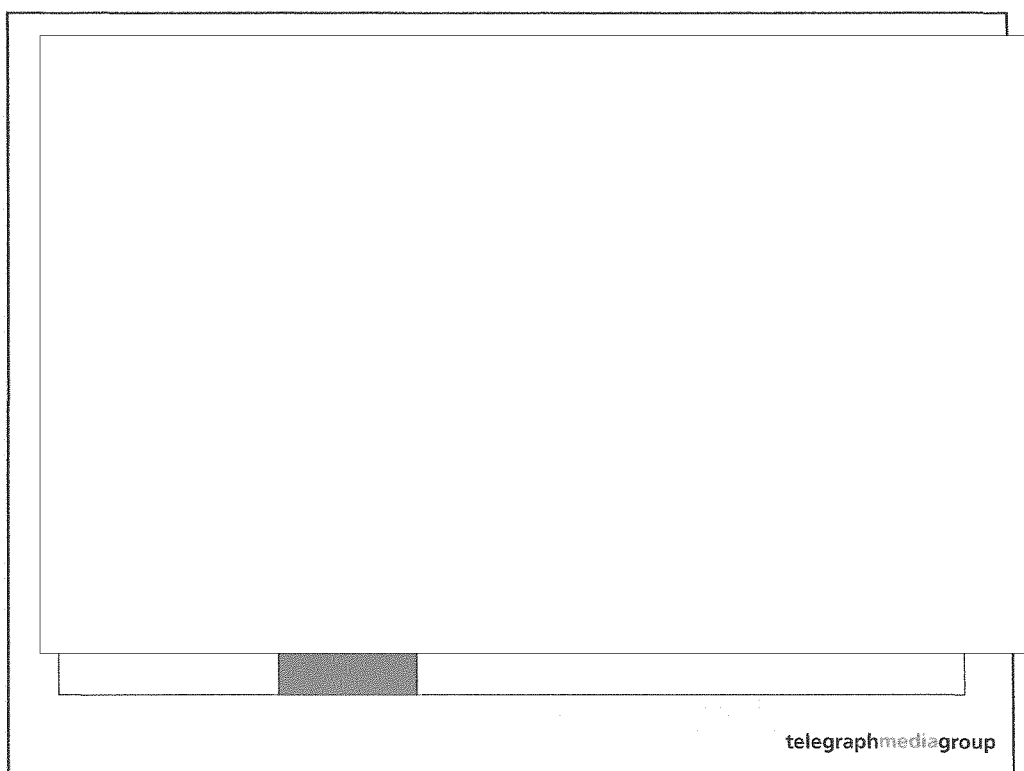
Hhhhhmmmm, how can I monetise this?

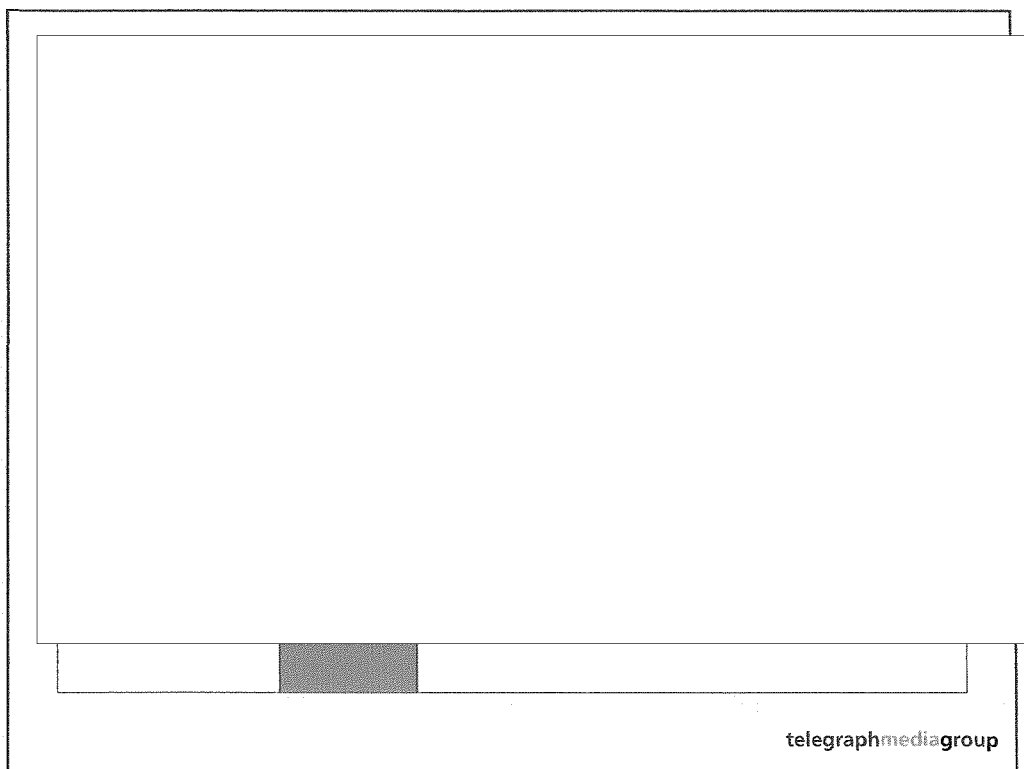
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Plugging the Gap Presentation



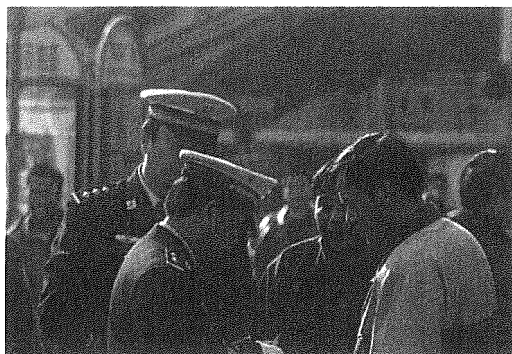
Plugging the Gap Presentation





Risks of non compliance

- **Regulatory risk (small, but has considerable knock on effects)**
 - Information Commissioner not strong, but has knock on effects
 - Not fit & proper person (cannot hold directorship etc)
 - If FSA regulated, FSA can fine extensively (Norwich Union £1.8m)
- **Proposed new regulations**
 - Fine of up to 10% of gross revenue
 - 2 years imprisonment



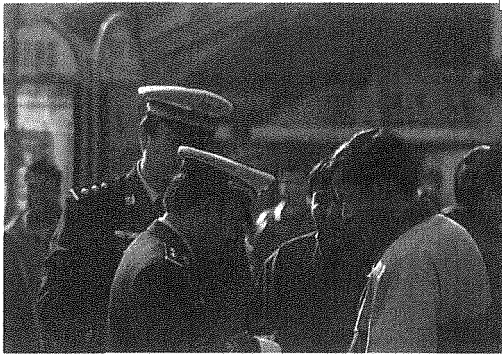
- **Commercial risks/Opportunity costs**



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Risks of non compliance

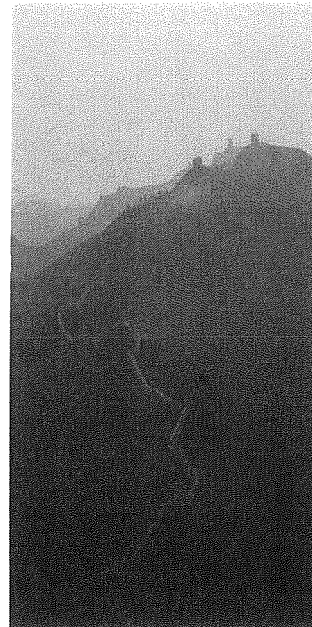
- **Personal Criminal liability**
 - Recently two solicitors fined for non-compliance (reckless behaviour)
 - If employer does not have proper procedures, liability shunted upwards to employer
 - In extreme cases, directors may be liable
 - In Europe, imprisonment (TMG to be careful about transfer of data o/s, e.g through Google Appts or through partners, such as CACI)



TMG from ICO

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- What sensitive/consumer data do we hold? Where is it stored? Do we have centralised control?
- Where is our data coming from? Where is it being sent (electronically & otherwise)
- Who has access to the sensitive/consumer data? What third parties/partners? [include IT service providers, data processors etc]
- How do we protect the data we store? Are laptops encrypted? Information Commissioner has recently ruled that failure to encrypt laptops is a breach of the DPA. Query our open plan office arrangements (Reception has started to give security passes to visitors beyond the Sky Lobby)
- What are the expectations of our customers/clients when it comes to protecting their information?
- What is level of data security awareness among our employees? We need to offer training to our employees at all levels. Need to introduce during our employee induction.
- What are the specific threats and risks to our consumer data?
- Would we know if our consumer data has been breached? How do we monitor and report on our data security? How would we react?
- Do we have the right governance structure in place to maintain control over our data? What are our policies, procedures and organisations structure/roles?



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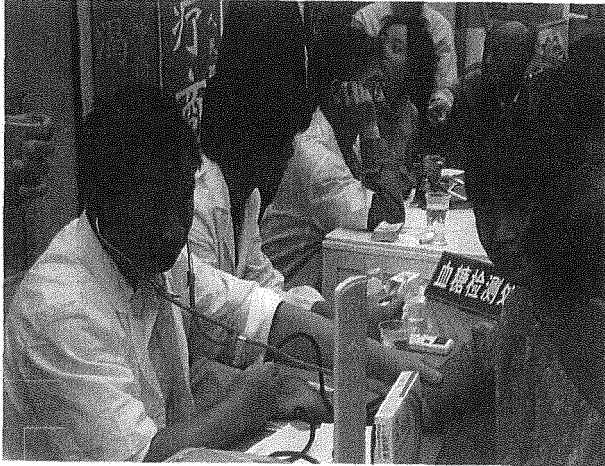
Plugging the Gap Presentation

Multilayered Approach

**Policies,
procedures,
contracts,
compliance**

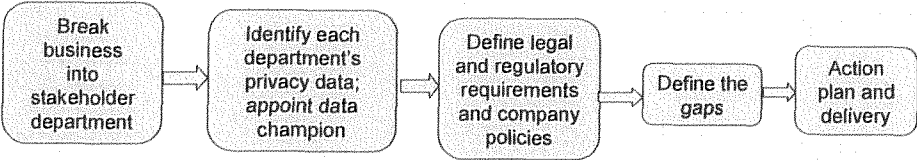
**Technology
&
Systems
architecture**

**Training
&
People**



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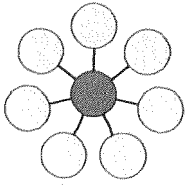
Multilayered Approach



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graph LR; A[Break business into stakeholder department] --> B[Identify each department's privacy data; appoint data champion]; B --> C[Define legal and regulatory requirements and company policies]; C --> D[Define the gaps]; D --> E[Action plan and delivery]
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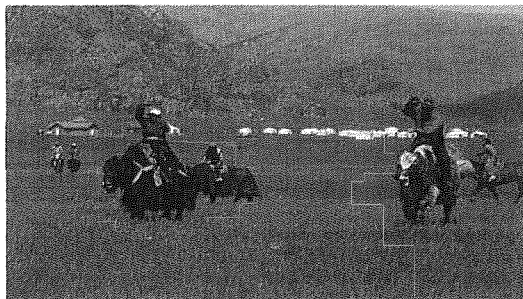
OPERATIONAL MODEL

- Should operate hub and spoke system
- Each segment has data champion who reports centrally to DPO
- Links with legal, finance and compliance and HR
- Crisis management procedure
- Manage and liaise with [] and other data processors and commercial partners
- Regular audits of own data processing and all partners



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Role of DPO



Requires skill, training and experience. Regular attendance at DPA specialist training

Good knowledge of rules/regs:

- DPA
- ASA and CAP rules
- Unfair Commercial Practices,
- Privacy and Electronic Communications Regulations (EC Directives)
- DMA Code

Provide direction and specialist advisory services to the business on the design and implementation of processes, strategies, procedures to meet obligations under the DPA.

Conduct frequent audits/reviews for compliance and compliance reporting and ICO/DMA notification

Provide DPA support and training for staff including re breaches of the DPA.

Ensure compliance with any Subject Access Request (this can be very time consuming as we are required to disclose all personal information held on that subject; and we have several segregated databases)

Manage department stakeholders and links with Legal, HR and Finance

Requires significant time commitment

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