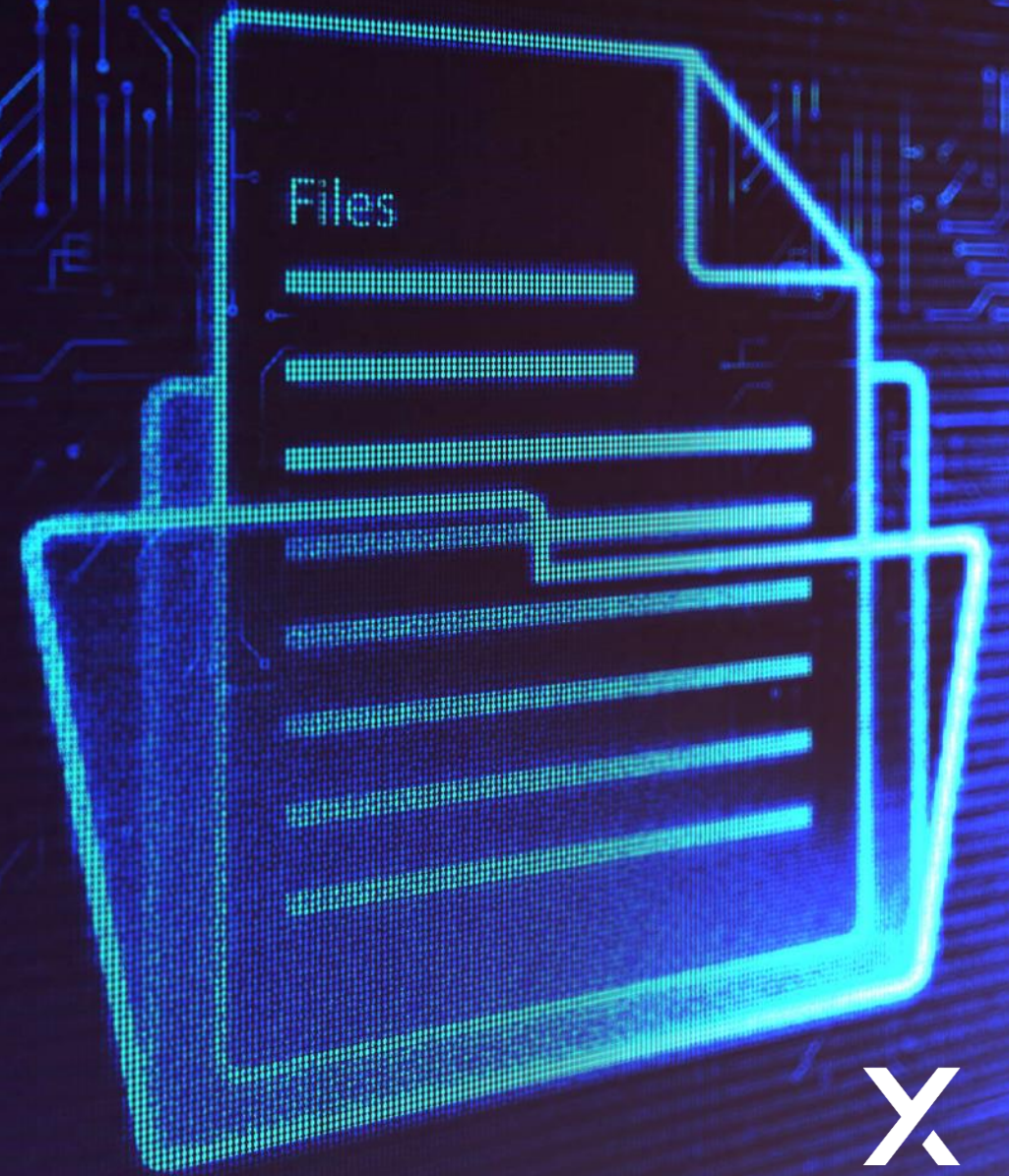




Effective Data Retention: How To Minimize Your Privacy Risks And Maintain Regulatory Compliance





Leader in E-Discovery, Data Inventory, Data Retention, Data Privacy & Cybersecurity Compliance

Years in Market:

- Exterro 15 +
- Jordan Lawrence 30 +
- 500+ Global Clients



Gartner®
COOL
VENDOR
2011

Gartner®
COOL
VENDOR
2020



exterro® Legal GRC Platform

DATA
PRIVACY

INFORMATION
GOVERNANCE

E-DISCOVERY

ORCHESTRATED WORKFLOW



INCIDENT
AND BREACH
MANAGEMENT



3RD PARTY
RISK
PROFILING



DATA SUBJECT
ACCESS
REQUESTS



CONSENT
MANAGEMENT



PIA/DPIA



DATA
MAPPING/
INVENTORY



FILE
ANALYSIS



DATA
RETENTION



POLICY
MANAGEMENT



EMPLOYEE
CHANGE
MONITOR



LEGAL
HOLD



IN-PLACE
PRESERVATION



IN-PLACE
EARLY CASE
ASSESSMENT



COLLECTION
AND
PROCESSING



DOCUMENT
REVIEW



PRODUCTION



DATA ANALYSIS



DATA CONNECTORS



DATA INVENTORY



Panelists



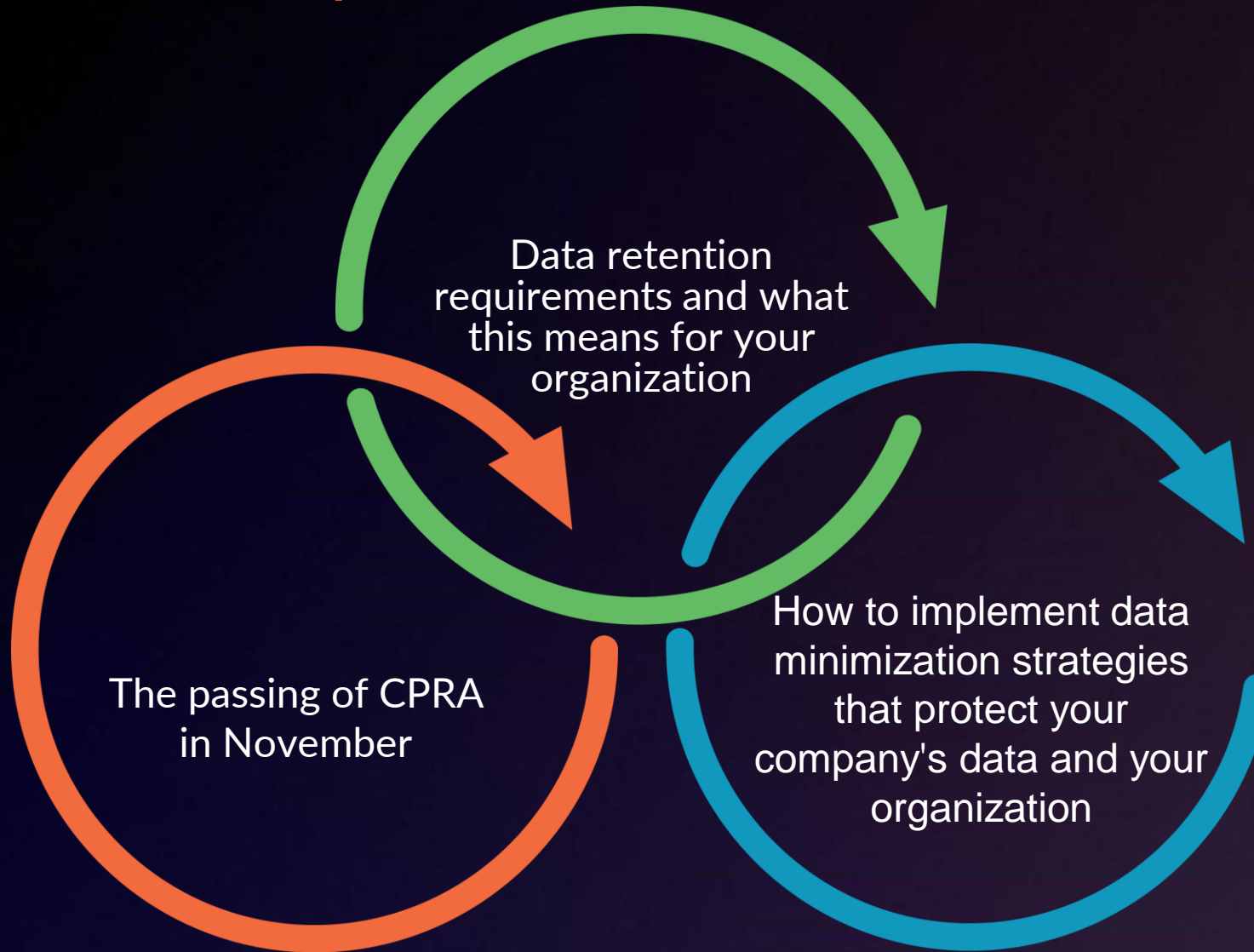
Robert Fowler, CIPP US
Director of Strategic Partnerships
Exterro



Thomas Hamilton
Chief Privacy Counsel
Boston Scientific



In this webcast our panel will review...



A hand with the index finger pointing upwards, touching a glowing rectangular button with the word 'Delete' in white text. The background is a solid blue gradient.

Delete

THE CASE FOR DATA DELETION





It's the Law



CCPA 2.0

California Privacy Rights Act

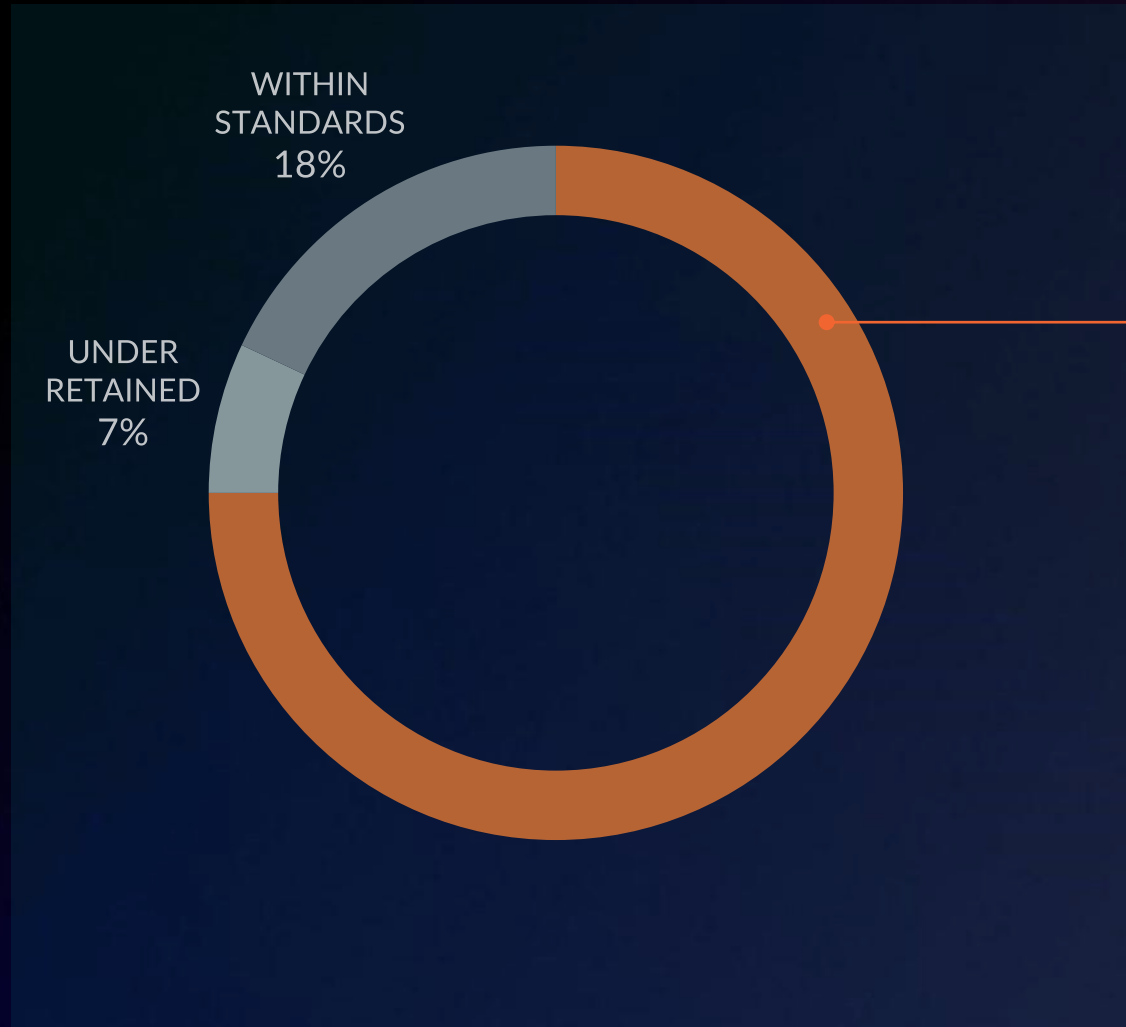
[Ballot Initiative]

CALIFORNIANS FOR CONSUMER PRIVACY

Data Privacy Law Comparison

Components	GDPR (EU Law)	CCPA	CPRA	Components	GDPR (EU Law)	CCPA	CPRA
Right to Know What Information a Business has Collected About You				Storage Limitation: Right to Prevent Companies from Storing Info Longer than Necessary			
Right to Say No to Sale of Your Info				Data Minimization: Right to Prevent Companies from Collecting More Info than Necessary			
Right to Delete Your Information				Right to Opt Out of Advertisers Using Precise Geolocation (< than 1/3 mile)			
Data Security: Businesses Required to Keep Your Info Safe				Ability to Override Privacy in Emergencies (Threat of Injury/Death to a Consumer)			
Data Portability: Right to Access Your Information in Portable Format				Provides Transparency around "Profiling" and "Automated Decision Making"			
Special Protection for Minors				Establishes Dedicated Data Protection Agency to Protect Consumers			
Requires Easy "Do Not Sell My Info" Button for Consumers				Restrictions on Onward Transfer to Protect Your Personal Information			
Provides Ability to Browse with No Pop-ups or Sale of Your Information				Requires High Risk Data Processors to Perform Regular Cybersecurity Audits			
Penalties if Email Plus Password Stolen due to Negligence				Requires High Risk Data Processors to Perform Regular Risk Assessments			
Right to Restrict Use of Your Sensitive Personal Information				Appoints Chief Auditor with Power to Audit Businesses' Data Practices			
Right to Correct Your Data				Protects California Privacy Law from being Weakened in Legislature	N/A		

Over Retaining Personal Data Is A LIABILITY

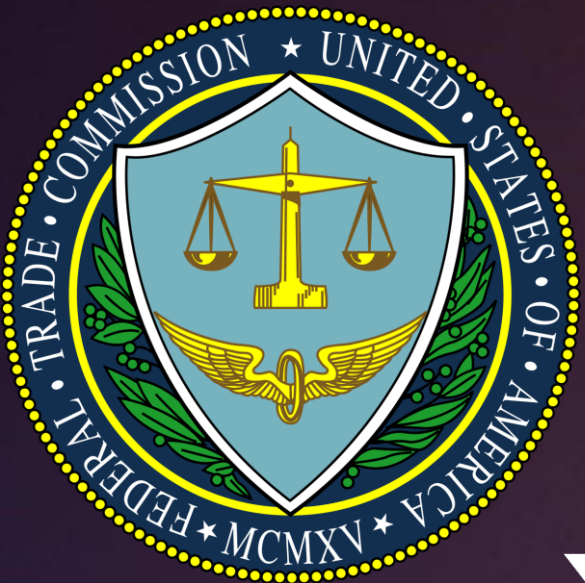


75%
OF RECORD TYPES
WITH PERSONAL
DATA ARE **OVER
RETAINED**



Over Retaining Personal Data is NEGLIGENT

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION	
<div>██████████ an individual and California resident, on behalf of herself and all others similarly situated,</div> <div>Plaintiff,</div>	Case No.:
vs.	CLASS ACTION COMPLAINT
<div>██████████ and ██████████</div> <div>Defendants.</div>	<div>1.) Negligence</div> <div>2.) Declaratory Relief</div> <div>3.) Violation of the California Unfair Competition Law, Business & Professions Code § 17200, <i>et seq.</i></div> <div>DEMAND FOR JURY TRIAL</div>



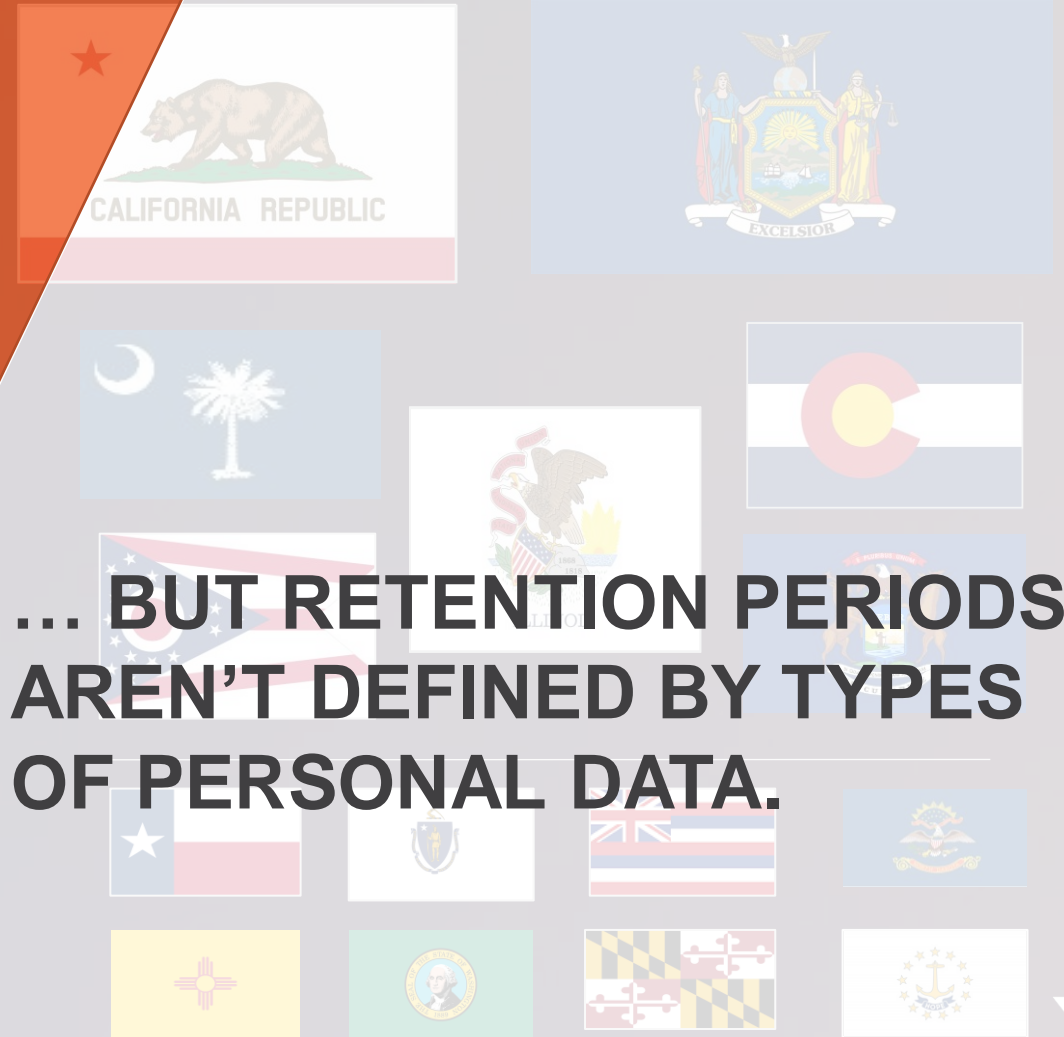


THE CHALLENGE

PRIVACY REGULATIONS REQUIRE DATA RETENTION & DISPOSITION...

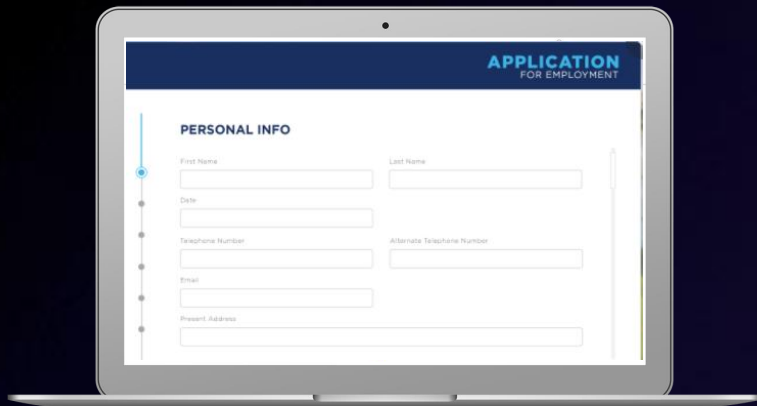


**... BUT RETENTION PERIODS
AREN'T DEFINED BY TYPES
OF PERSONAL DATA.**



Retention Regulations Always Based on Context of Collection

RECRUITING RECORDS



BENEFITS ENROLLMENT



CUSTOMER SERVICE



How to go from Regulations...

The screenshot shows the OSHA website header with the United States Department of Labor logo and navigation links. The main content area displays the regulation 1910.1020, titled "Access to employee exposure and medical records." The regulation text is shown in a table format with columns for Part Number, Part Number Title, Subpart, Subpart Title, Standard Number, Title, Appendix, and GPO Source. The regulation text is as follows:

Part Number:	1910
Part Number Title:	Occupational Safety and Health Standards
Subpart:	1910 Subpart Z
Subpart Title:	Toxic and Hazardous Substances
Standard Number:	1910.1020
Title:	Access to employee exposure and medical records.
Appendix:	A; B
GPO Source:	e-CFR

1910.1020(a)
"Purpose." The purpose of this section is to provide employees and their designated representatives a right of access to relevant exposure and medical records; and to provide representatives of the Assistant Secretary a right of access to these records in order to fulfill responsibilities under the Occupational Safety and Health Act. Access by employees, their representatives, and the Assistant Secretary is necessary to yield both direct and indirect improvements in the detection, treatment, and prevention of occupational disease. Each employer is responsible for assuring compliance with this section, but the activities involved in complying with the access to medical records provisions can be carried out, on behalf of the employer, by the physician or other health care personnel in charge of employee medical records. Except as expressly provided, nothing in this section is intended to affect existing legal and ethical obligations concerning the maintenance and confidentiality of employee medical information, the duty to disclose information to a patient/employee or any other aspect of the medical-care relationship, or affect existing legal obligations concerning the protection of trade secret information.

1910.1020(b)
"Scope and application."

1910.1020(b)(1)

To Data?

The screenshot shows a "New Data Set - SQL Query" window. It contains the following fields:

- * Name: Employees
- * Data Source: demo (Default)
- * Type of SQL: Standard SQL

Below these fields is a "Query Builder" button and a text area containing the following SQL query:

```
select  "EMPLOYEES"."FIRST_NAME" as "FIRST_NAME",
        "EMPLOYEES"."LAST_NAME" as "LAST_NAME",
        "EMPLOYEES"."HIRE_DATE" as "HIRE_DATE",
        "EMPLOYEES"."SALARY" as "SALARY",
        "EMPLOYEES_1"."LAST_NAME" as "MANAGER",
        "DEPARTMENTS"."DEPARTMENT_NAME" as "DEPARTMENT_NAME"
from    "OE"."EMPLOYEES" "EMPLOYEES_1",
        "OE"."DEPARTMENTS" "DEPARTMENTS",
        "OE"."EMPLOYEES" "EMPLOYEES"
where   "EMPLOYEES"."MANAGER_ID"="EMPLOYEES_1"."MANAGER_ID"
and     "EMPLOYEES"."DEPARTMENT_ID"="DEPARTMENTS"."DEPARTMENT_ID"
```

At the bottom of the window are three buttons: "Generate Explain Plan", "OK", and "Cancel".





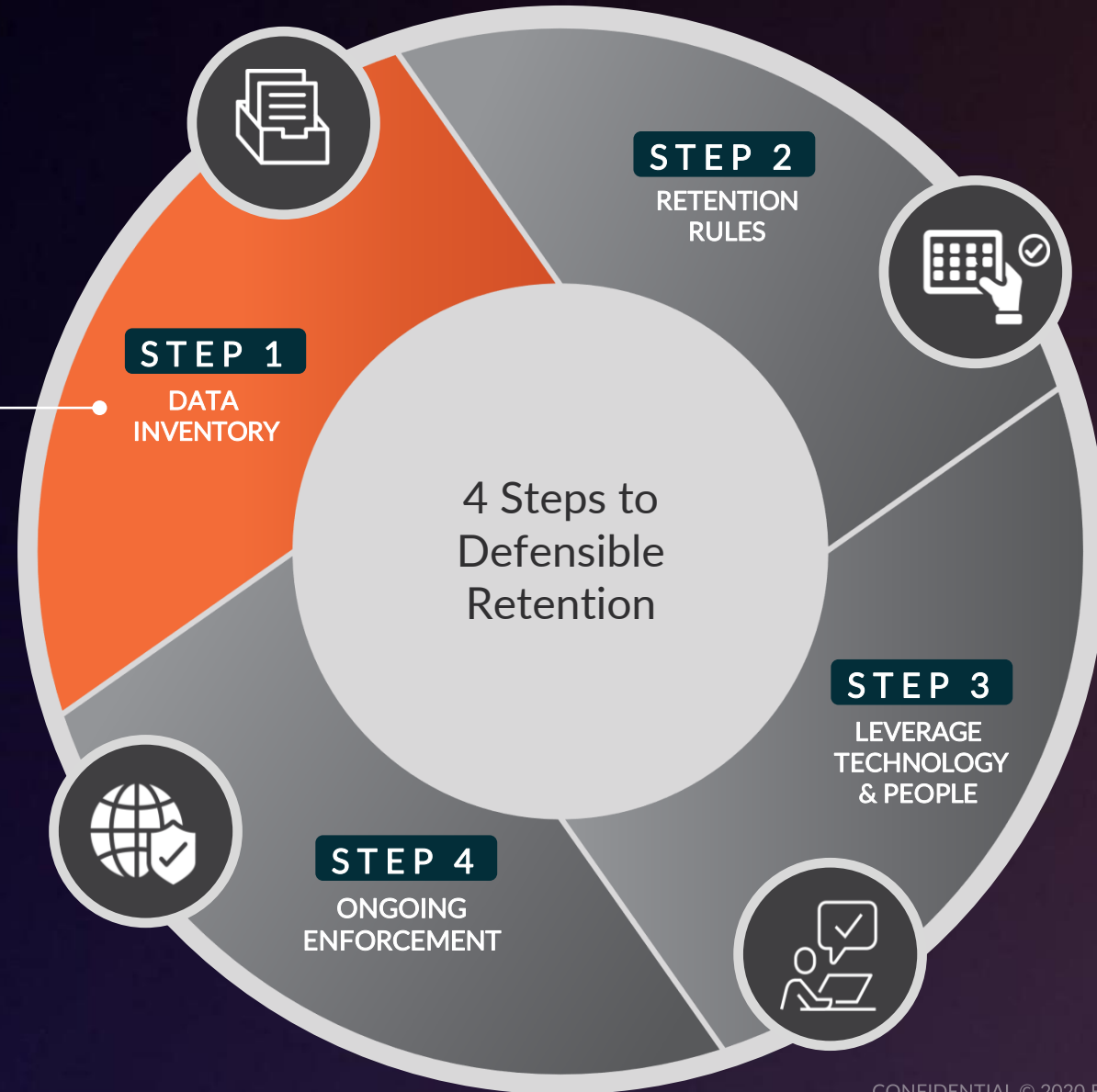
DEFENSIBLE DATA DELETION: THE PROCESS



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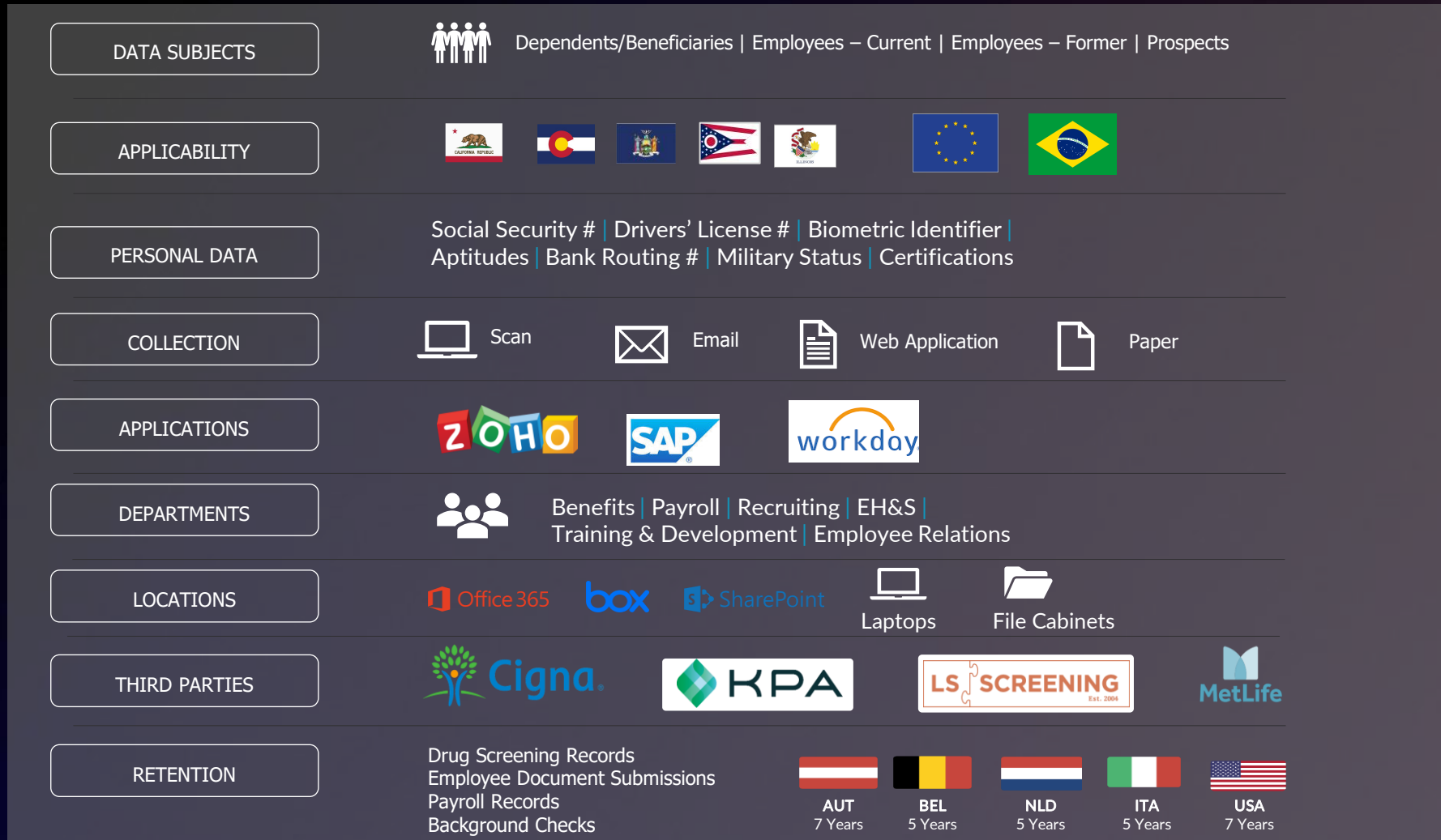
The Foundation for Defensible Retention & Deletion

- ✓ WHAT DATA YOU HAVE
- ✓ PERSONAL DATA ELEMENTS
- ✓ WHERE IT EXISTS
- ✓ WHO YOU SHARE IT WITH
- ✓ BUSINESS NEEDS
- ✓ RETENTION REGULATIONS



BUSINESS PROCESS

HR - ONBOARDING



BUSINESS PROCESS

CUSTOMER SERVICE - CUSTOMER REQUESTS & COMPLAINTS

DATA SUBJECTS



Current Customers | Past Customers

APPLICABILITY



PERSONAL DATA

Birth Date | Driver's License Number | Email Address | Family Information First / Last Name |
Gender | Marital Status | Mobile Device / Serial # | Partial SSN
Phone Number | Physical Address | Bank Routing Number | Social Security #

COLLECTION



Web
Form



Email



Web
Application



Phone / Call
Center



Electronic
File

APPLICATIONS



DEPARTMENTS



Financial Shared Services | Customer Care | Loss Prevention | Marketing
Transportation | IT - eCom | Legal | Service Repair | Strategic Sourcing
Technology | Total Rewards | Travel

LOCATIONS



File Cabinets



Laptops



Personal Archive



Shared Drives

THIRD PARTIES



RETENTION

Customer Orders
Customer Complaints
Warranty Information



USA
10 Years

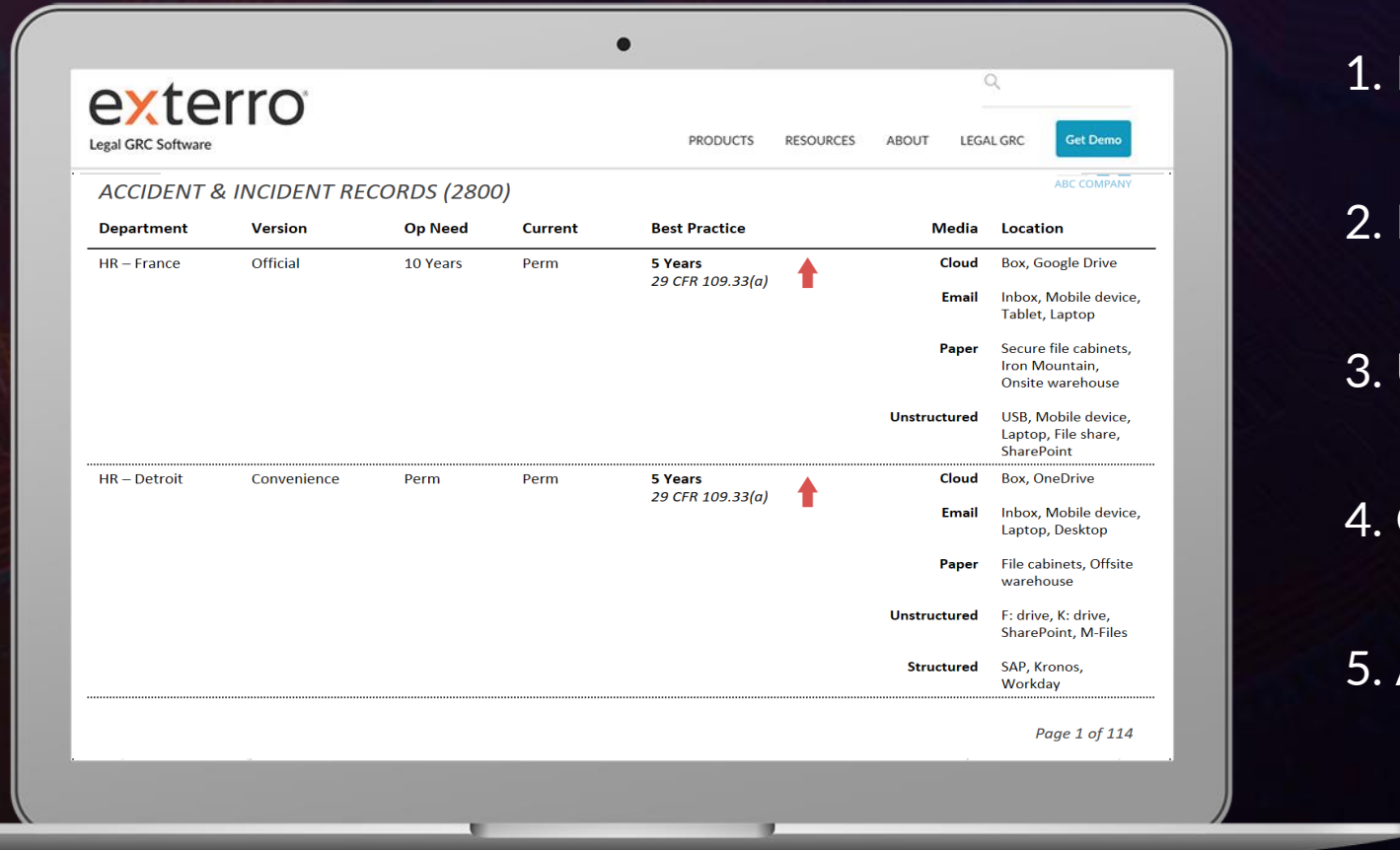


HOW DO YOU
GET THERE?



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Building an Actionable Data Inventory



The screenshot displays the 'exterro' Legal GRC Software interface. At the top, there is a navigation bar with links for PRODUCTS, RESOURCES, ABOUT, and LEGAL GRC, along with a 'Get Demo' button. The main content area is titled 'ACCIDENT & INCIDENT RECORDS (2800)' and includes a search bar and a 'Get Demo' button. Below this, a table lists records for two departments: HR - France and HR - Detroit. The table columns are Department, Version, Op Need, Current, Best Practice, Media, and Location. The 'Best Practice' column for both records includes a red upward arrow icon. The 'Media' column lists various storage types: Cloud, Email, Paper, Unstructured, and Structured. The 'Location' column provides specific details for each media type.

Department	Version	Op Need	Current	Best Practice	Media	Location
HR – France	Official	10 Years	Perm	5 Years 29 CFR 109.33(a) ↑	Cloud	Box, Google Drive
					Email	Inbox, Mobile device, Tablet, Laptop
					Paper	Secure file cabinets, Iron Mountain, Onsite warehouse
					Unstructured	USB, Mobile device, Laptop, File share, SharePoint
HR – Detroit	Convenience	Perm	Perm	5 Years 29 CFR 109.33(a) ↑	Cloud	Box, OneDrive
					Email	Inbox, Mobile device, Laptop, Desktop
					Paper	File cabinets, Offsite warehouse
					Unstructured	F: drive, K: drive, SharePoint, M-Files
					Structured	SAP, Kronos, Workday

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1. Identify & Profile Business Processes
2. Link to Record Types
3. Understand Retention Requirements
4. Gain Visibility & Demonstrate Defensibility
5. Address Over-Retention of Personal Data

Global Retention Considerations



Benefit Enrollment & Participation Records

Reported Retention
-(9), 0(7), 1(1), 2(3),
5(1), PERM(9)

														
USA 6	AUT 7	BEL 10	BGR 50	CHE 10	CZE 10	DEU 6	DNK 10	ESP 15	EST -	FIN 10	FRA 5	GBR 6	HUN 5	IRL 6
														
ISL 7	ITA 10	LIE 30	LTU -	LUX 30	LVA -	NLD 5	NOR 10	POL 10	PRT 20	ROU 10	SVK 3	SW 10	UKR 6	

Employee Medical Records

Reported Retention
-(8), 0(4), 1(2), 4(1),
5(5), 7(3), 10(3),
PERM(16)

														
USA 5	AUT 40	BEL 15	BGR 10	CHE 30	CZE 40	DEU 10	DNK 10	EST 40	EST -	FIN 40	FRA 50	GBR 40	HUN 10	IRL 40
														
ISL 40	ITA 40	LIE 10	LTU 40	LUX 10	LVA 40	NLD 15	NOR 60	POL 20	PRT 10	ROU 40	SVK 5	SW 10	UKR -	

Employment Equality Compliance Records

Reported Retention
-(1), 0(1), 2(1),
PERM(2)

														
USA 10	AUT 25	BEL 10	BGR 5	CHE 10	CZE 3	DEU 10	DNK 10	ESP 15	EST 3	FIN 10	FRA 5	GBR 6	HUN 5	IRL 6
														
ISL 4	ITA 10	LIE 30	LTU 10	LUX 30	LVA 10	NLD 5	NOR 10	POL 10	PRT 20	ROU 10	SVK 3	SW 3	UKR 3	



Five questions to ask your team

1. Can you confidently state you know where all your data is stored?
2. Do you know who owns that data and what certifications (ISO, NIST) apply to it?
3. Do you know what regulations govern the data you have stored and any associated risks?
4. Can you easily and quickly respond to requests for data (DSAR, e-discovery, breach notification, etc.)?
5. Do you know what 3rd Parties have access to your data and what they do with it?



Q&A with The Panelists



Robert Fowler, CIPP US/G
Director of Strategic Partnerships
Exterro



Thomas Hamilton
Chief Privacy Counsel
Boston Scientific

