



IRISH DIRECT MARKETING ASSOCIATION LTD

## **The Data Protection Challenge – how to be compliant in a privacy-free world.**

At the recent think-in on Data Protection, hosted by Neopost Ireland in the Croke Park Convention centre, several speakers admitted that it was not easy achieving compliance when technology, the media, social networking and society itself seems to be saying “Take the data! Use it! Spread it around! Share it! Enhance it! Slice it and dice it!”

In the face of such encouragement, it is difficult to look again at those eight imposing Rules:

- That the data must be obtained fairly;
- That the data must only be acquired for a specific purpose (or purposes)
- That processing of the data must not be incompatible with that purpose
- That the data must be kept safe and secure at all times
- That the data must be kept accurate and up-to-date
- That disclosure of the data should be adequate, relevant and should not exceed the specified purpose
- That the data should only be retained for as long as necessary, and then destroyed
- That a copy of the data must be made available to the data subject, on receipt of a valid request.

All eight rules to be observed at all times during acquisition, processing, storage, sharing, etc. That’s quite a task, and the Data Protection Commissioner’s Annual Report, published on May 30<sup>th</sup>, lists several instances where organisations have failed to observe at least one of the rules, if not more.

There is a telling sentence in the Report, which in my opinion provides a great starting point for any organisation seeking to be compliant with the legislation.

“Privacy”, says the Report, “should be built in to systems, services and products from the beginning, so that compliance with regulations is seamless and automatic”.

Anna Cavoukian, PhD., the Information Commissioner for the province of Ontario in Canada, recently wrote a book entitled “Privacy by Design”, where she talks through the process of “managing Data Protection into” a process while the process is still being built, rather than trying to force it in at a later stage”.

Working as a project manager in financial services, I try to ensure that privacy is a check-list item from the start, alongside price, product design, target market and return on investment. In that way, Data Protection compliance is treated as a product feature, rather than as an after-thought or a barrier to entry.

Over the coming months, we will work through the list of Rules to see how organisations can achieve and maintain compliance across their data management structures and processes. In the meantime, I’d encourage you to have a look at the Commissioner’s Annual Report. In particular, read through

the various case studies which the Commissioner helpfully provides, as an indication of the range and variety of ways in which the Data Protection rules can be broken (or bent a little). And then think about your own data management processes and procedures.

How would your organisation fare if those were your processes in the spotlight?