Data Privacy: A Look at the NIST Privacy Framework 1.0

Webinar: January 27, 2021

Mirena Taskova with special guests from NIST & Hyperproof

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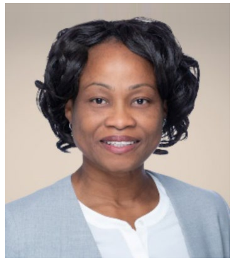
What you will learn today

- How to implement a successful global annual privacy strategy by using NIST privacy framework, privacy expertise and technology
- What is NIST and how it can be used for global privacy compliance
- How technology can help you with your privacy efforts

Panel



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2020 privacy highlights & welcome 2021

2020 privacy highlights

Welcome to California!

- **The CCPA** (California Consumer Privacy Act of 2018)
  - CCPA main developments
  - AG Regulations
  - AG Enforcement Action
  - CCPA private right of action trend
- **Hello CPRA!** (California Privacy Rights Act)
  - Key changes introduced by the CPRA to the CCPA
  - What comes next?
  - Be prepared!

Over to Europe

- **The Schrems II Decision**
  - Death of the EU-US Privacy Shield
  - Rise of Standard Contractual Clauses (SCCs)?
- **Global trends in Privacy**
  - Brazil (LGPD)
  - China (PIPL, CSL)
  - Canada (DCIA, CPPA)
  - India (PDPB)
  - New Zealand (NZ Privacy Act)
  - US federal privacy legislation & other state legislation (WA, PA, IL, MA, NY, NJ)
- **Privacy in the wake of a Pandemic**
  - Impact of Covid-19 on data transfer

Welcome 2021: global privacy trends

What should be on your radar in 2021?

- **Brexit**
  - No, GDPR won't change
  - However, there are consequences (e.g., the data flow between the UK and the EU)
  - The UK will be, and should be treated as a separate entity from the EU
- **ePrivacy Directive**
  - Directive was meant to come into force around the same time as the GDPR
  - Multiple delays caused by EU members' inability to agree on the final text, now the pandemic
- **EDPB guidance & SCCs**
  - Part 1: Recommendations
  - Part 2: SCCs (DPA under Art 28 of the GDPR)
- **EDPB guidance & SCCs**
  - Part 1: Recommendations
  - Part 2: Data transfers SCCs (use both by controllers and processors as data exporters)
- **Cybersecurity** (No end to attacks, SI being accessed /NCID)
- **DSA and DMA** (Digital Service Act & Digital Markets Act)

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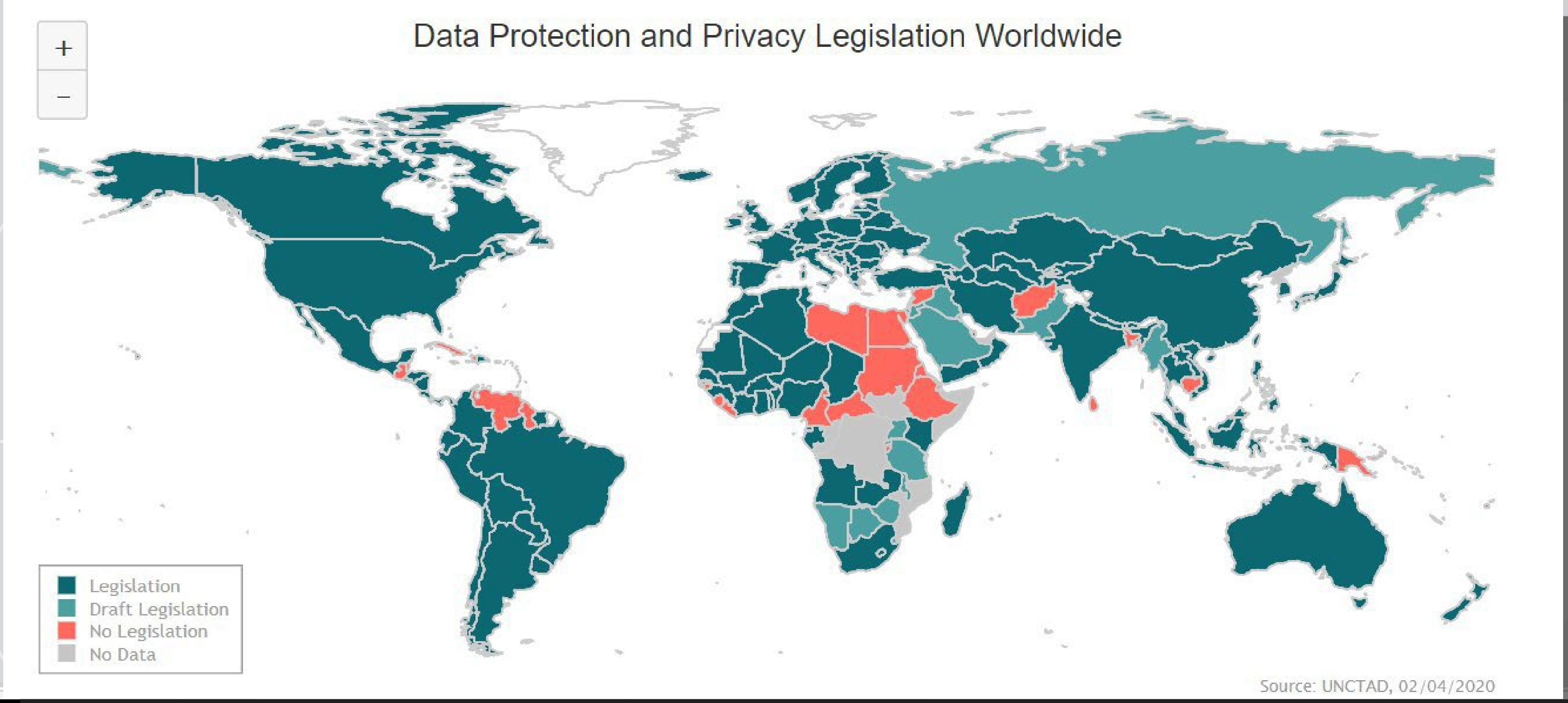
QUESTIONS AND ANSWERS

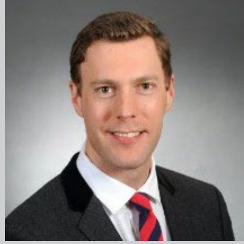
How to ensure global privacy compliance?



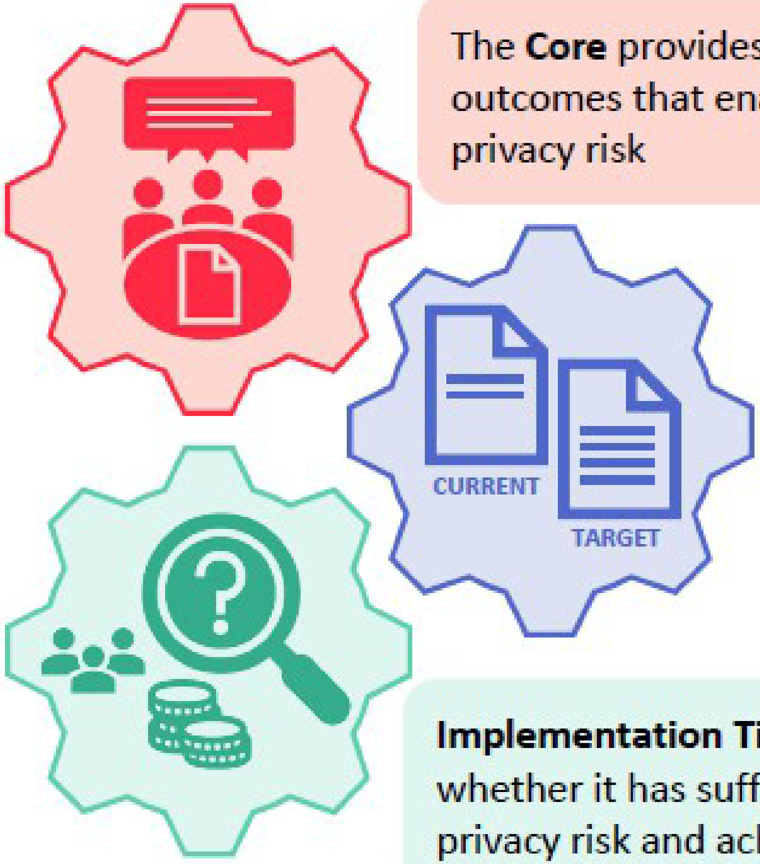
Data Protection and Privacy Legislation Worldwide

Source: UNCTAD, 02/04/2020

NIST privacy framework



Privacy Framework Structure

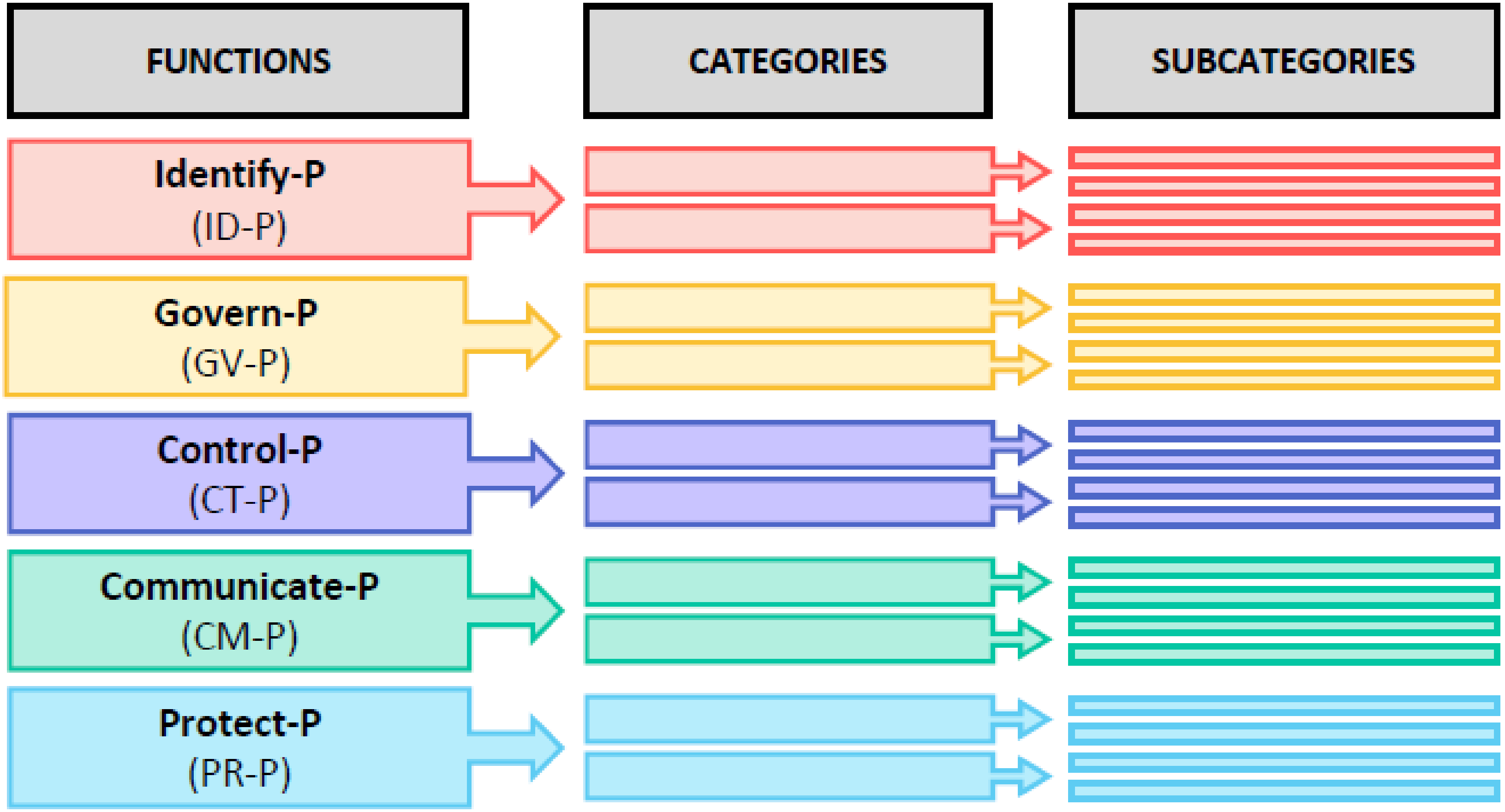


The **Core** provides an increasingly granular set of activities and outcomes that enable an organizational dialogue about managing privacy risk

Profiles are a selection of specific Functions, Categories, and Subcategories from the Core that the organization has prioritized to help it manage privacy risk

Implementation Tiers help an organization communicate about whether it has sufficient processes and resources in place to manage privacy risk and achieve its Target Profile

Privacy Framework Core



FUNCTIONS

CATEGORIES

SUBCATEGORIES

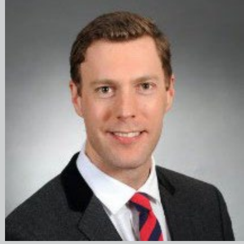
Identify-P
(ID-P)

Govern-P
(GV-P)

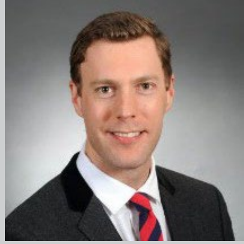
Control-P
(CT-P)

Communicate-P
(CM-P)

Protect-P
(PR-P)



How to Use the Privacy Framework



Informative References

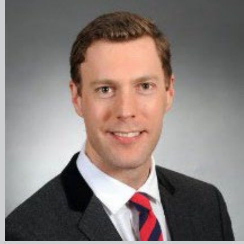
Strengthening Accountability

Establishing or Improving a Privacy Program

Applying to the System Development Life Cycle

Using within the Data Processing Ecosystem

Informing Buying Decisions



Resource Repository

Crosswalks

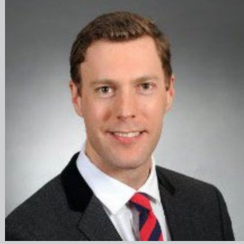
- GDPR
- CCPA
- ISO/IEC 27701
- IAPP CIPM

Guidelines & Tools

- NIST controls catalog
- NIST Privacy Risk Assessment Methodology
- LINDDUN privacy threat modeling framework
- IBM AI minimization toolkit

Communication and Advocacy with Leadership Example

	Program Components	
	Current	Target
Identify-P	🟨	🟩
Govern-P	🟩	🟩
Control-P	🟥	🟨
Communicate-P	🟨	🟩
Protect-P	🟨	🟨



What value does the NIST privacy framework bring?

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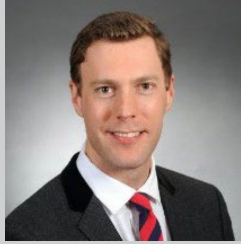

Value Proposition

Privacy Framework supports:

- Building customer trust
- Fulfilling current compliance obligations
- Facilitating communication

How to ensure efficient global privacy strategy?

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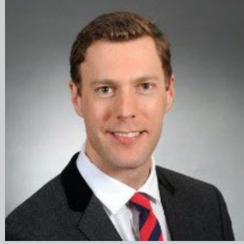
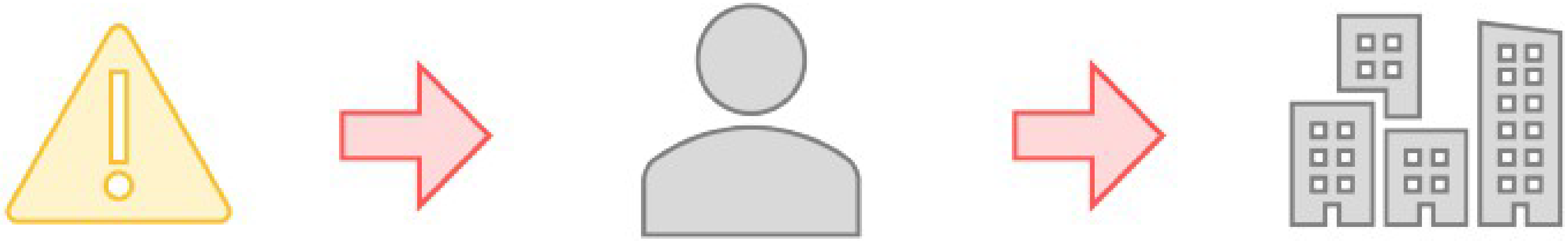
How to perform NIST risk assessment?



Privacy Risk and Organizational Risk



Problem

arises from data processing

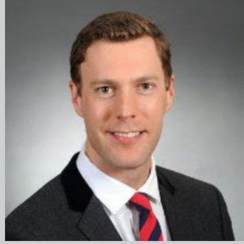
Individual

experiences direct impact
(e.g., embarrassment, discrimination, economic loss)

Organization

resulting impact
(e.g., customer abandonment, noncompliance costs, harm to reputation or internal culture)

Resource Repository



Crosswalks

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- IAPP CIPM

Guidelines & Tools

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How to ensure uniform privacy & cybersecurity compliance?

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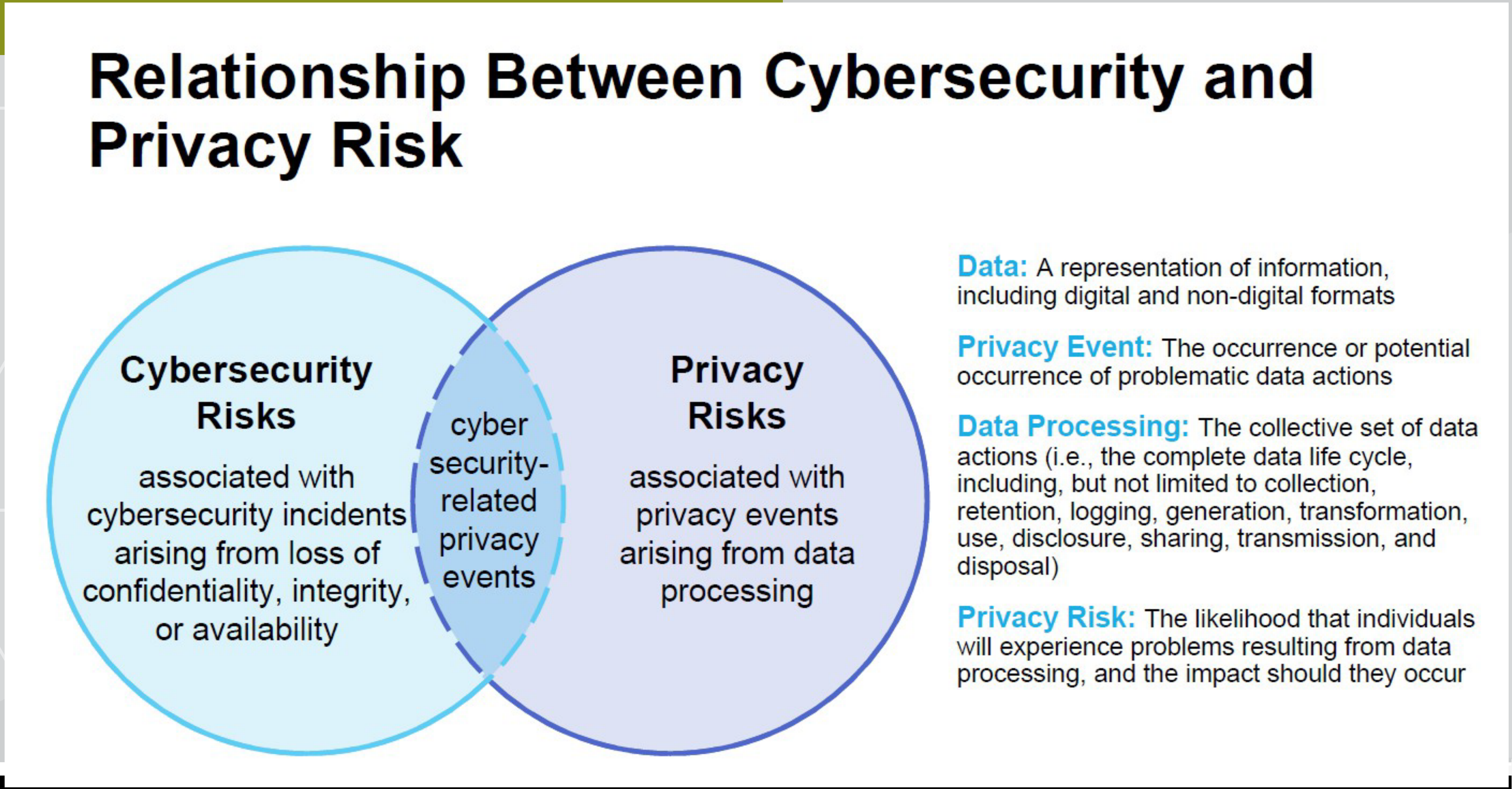
How does NIST assist with providing uniform privacy & cybersecurity approach?

NIST perspective



Relationship Between Cybersecurity and Privacy Risk

Cybersecurity Risks

associated with cybersecurity incidents arising from loss of confidentiality, integrity, or availability

cyber security-related privacy events

Privacy Risks

associated with privacy events arising from data processing

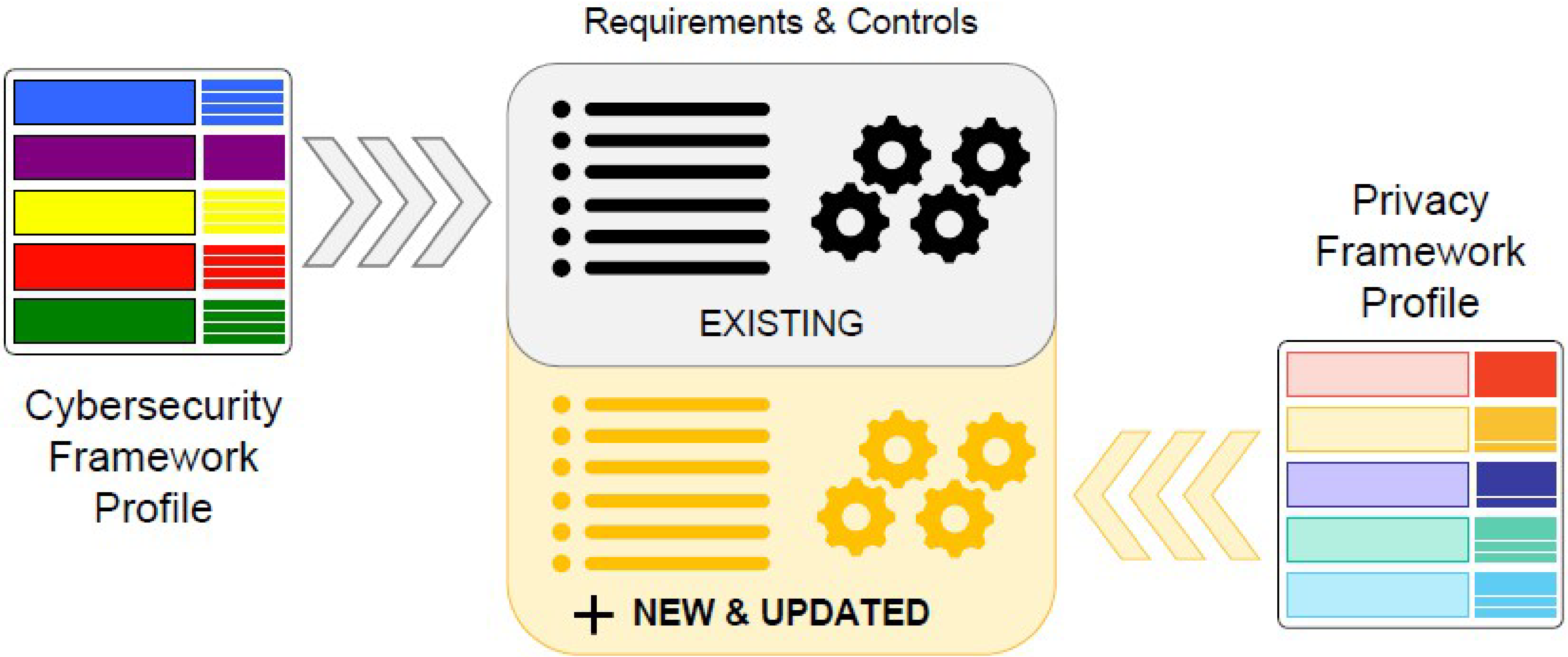
Data: A representation of information, including digital and non-digital formats

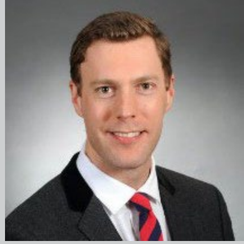
Privacy Event: The occurrence or potential occurrence of problematic data actions

Data Processing: The collective set of data actions (i.e., the complete data life cycle, including, but not limited to collection, retention, logging, generation, transformation, use, disclosure, sharing, transmission, and disposal)

Privacy Risk: The likelihood that individuals will experience problems resulting from data processing, and the impact should they occur

Program Alignment Example





How technology can facilitate businesses?

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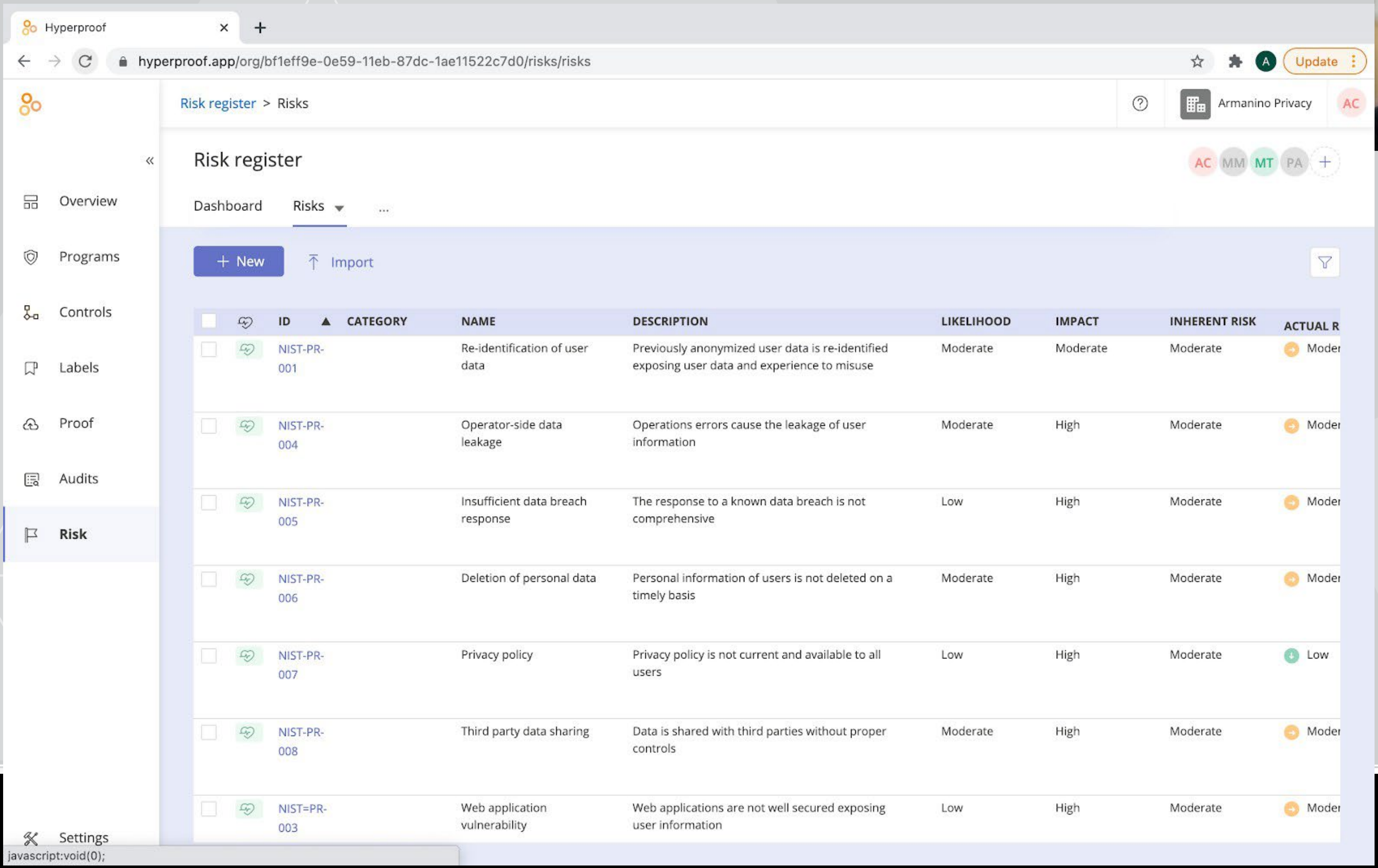
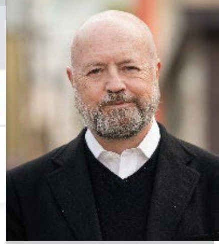
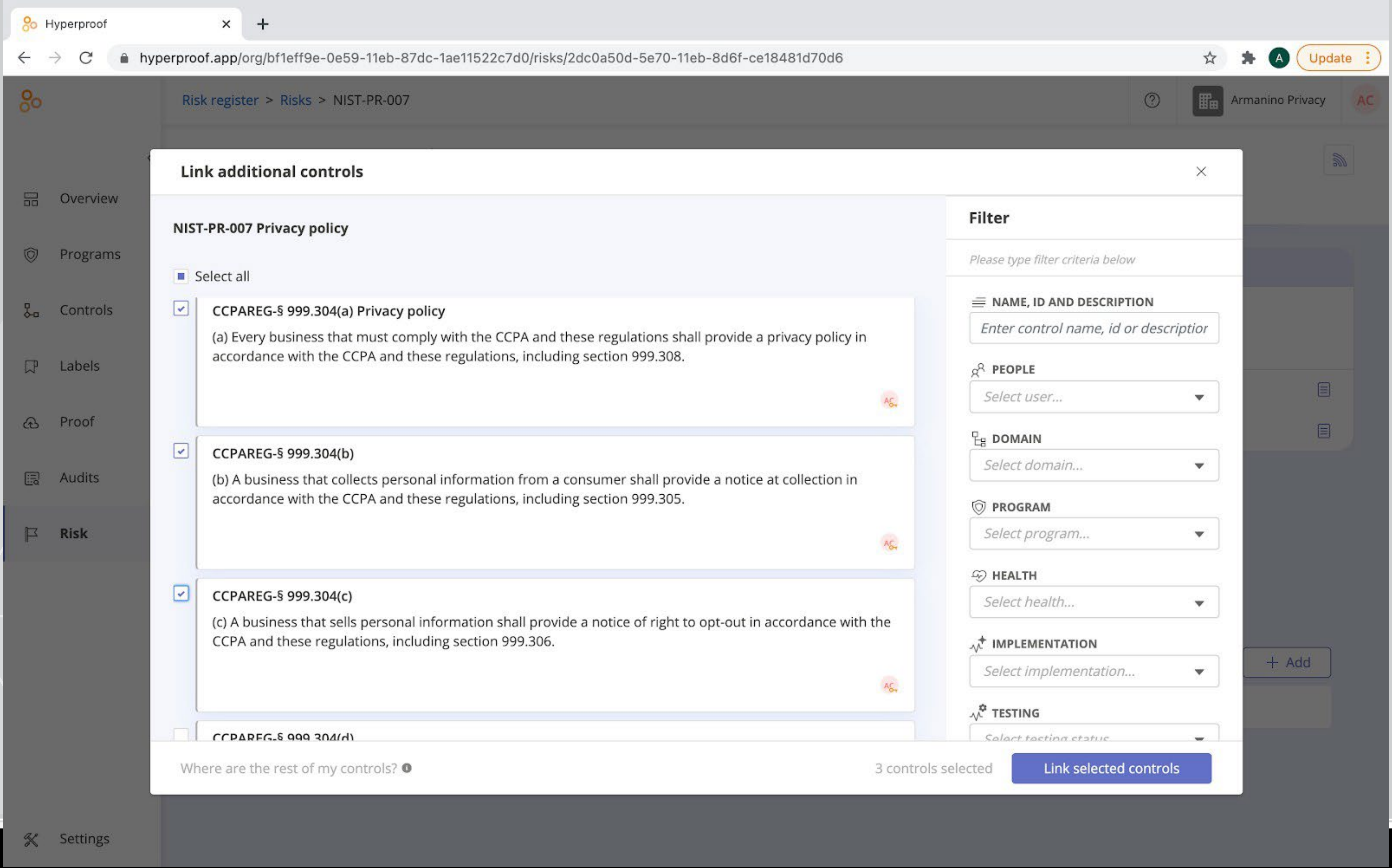


Risk register

	ID	CATEGORY	NAME	DESCRIPTION	LIKELIHOOD	IMPACT	INHERENT RISK	ACTUAL R
□	NIST-PR-001		Re-identification of user data	Previously anonymized user data is re-identified exposing user data and experience to misuse	Moderate	Moderate	Moderate	Moder
□	NIST-PR-004		Operator-side data leakage	Operations errors cause the leakage of user information	Moderate	High	Moderate	Moder
□	NIST-PR-005		Insufficient data breach response	The response to a known data breach is not comprehensive	Low	High	Moderate	Moder
□	NIST-PR-006		Deletion of personal data	Personal information of users is not deleted on a timely basis	Moderate	High	Moderate	Moder
□	NIST-PR-007		Privacy policy	Privacy policy is not current and available to all users	Low	High	Moderate	Low
□	NIST-PR-008		Third party data sharing	Data is shared with third parties without proper controls	Moderate	High	Moderate	Moder
□	NIST=PR-003		Web application vulnerability	Web applications are not well secured exposing user information	Low	High	Moderate	Moder




Hyperproof
hyperproof.app/org/bf1eff9e-0e59-11eb-87dc-1ae11522c7d0/risks/2dc0a50d-5e70-11eb-8d6f-ce18481d70d6
Update
Risk register > Risks > NIST-PR-007
Armanino Privacy
AC
Overview
Programs
Controls
Labels
Proof
Audits
Risk
Settings
+ Add

Link additional controls

NIST-PR-007 Privacy policy

■ Select all

☑ **CCPAREG-§ 999.304(a) Privacy policy**

(a) Every business that must comply with the CCPA and these regulations shall provide a privacy policy in accordance with the CCPA and these regulations, including section 999.308.

☑ **CCPAREG-§ 999.304(b)**

(b) A business that collects personal information from a consumer shall provide a notice at collection in accordance with the CCPA and these regulations, including section 999.305.

☑ **CCPAREG-§ 999.304(c)**

(c) A business that sells personal information shall provide a notice of right to opt-out in accordance with the CCPA and these regulations, including section 999.306.

□ **CCPAREG-§ 999.304(d)**

Filter

Please type filter criteria below

NAME, ID AND DESCRIPTION: *Enter control name, id or descriptior*

PEOPLE: *Select user...* ▾

DOMAIN: *Select domain...* ▾

PROGRAM: *Select program...* ▾

HEALTH: *Select health...* ▾

IMPLEMENTATION: *Select implementation...* ▾

TESTING: *Select testing status* ▾

Where are the rest of my controls? ❶

3 controls selected

Link selected controls

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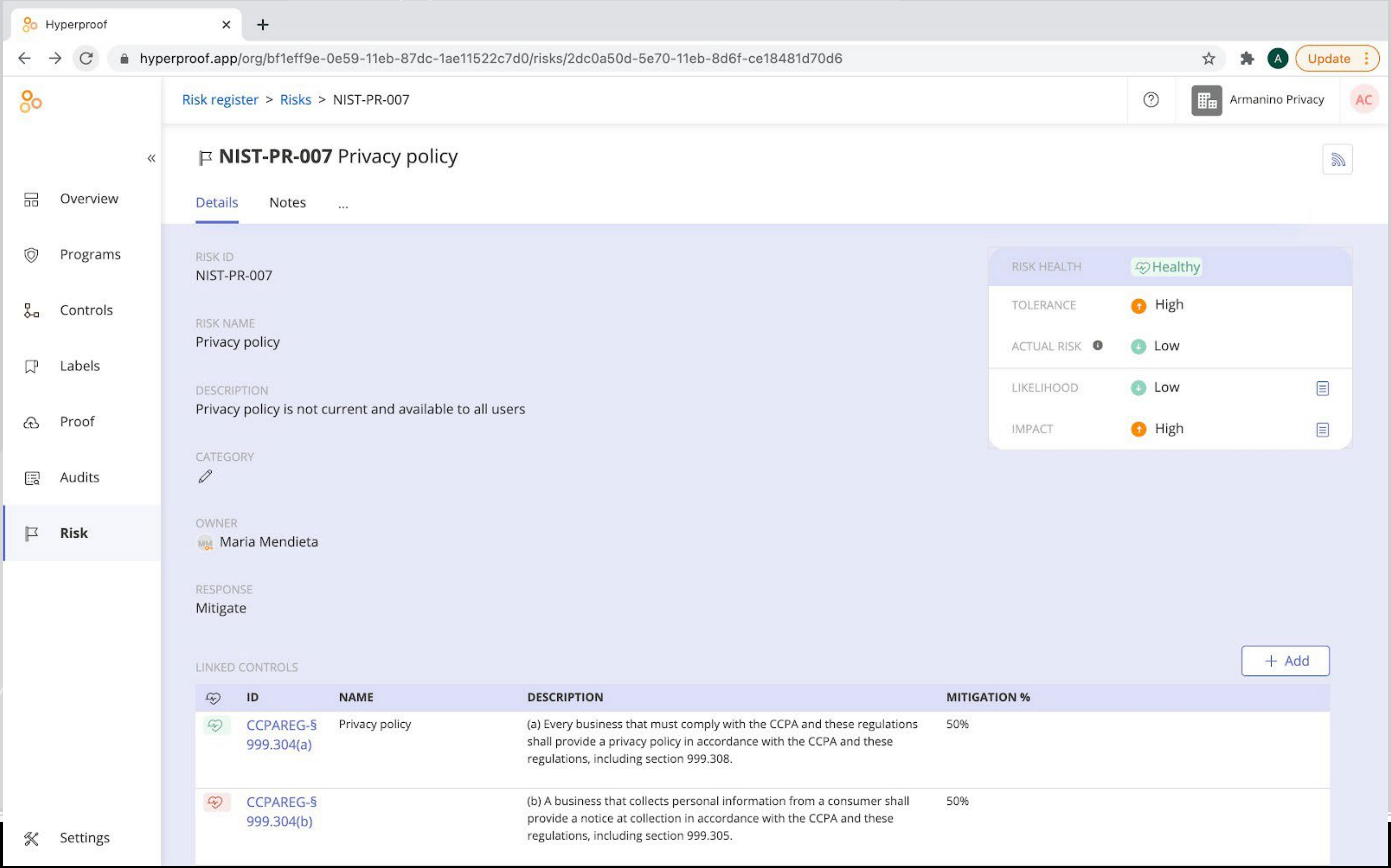

Risk register > Risks > NIST-PR-007

NIST-PR-007 Privacy policy

RISK ID
NIST-PR-007

RISK NAME
Privacy policy

DESCRIPTION
Privacy policy is not current and available to all users

CATEGORY

OWNER
Maria Mendieta

RESPONSE
Mitigate

RISK HEALTH	Healthy
TOLERANCE	High
ACTUAL RISK	Low
LIKELIHOOD	Low
IMPACT	High

LINKED CONTROLS

+ Add

	ID	NAME	DESCRIPTION	MITIGATION %
🟩	CCPAREG-§ 999.304(a)	Privacy policy	(a) Every business that must comply with the CCPA and these regulations shall provide a privacy policy in accordance with the CCPA and these regulations, including section 999.308.	50%
🟥	CCPAREG-§ 999.304(b)		(b) A business that collects personal information from a consumer shall provide a notice at collection in accordance with the CCPA and these regulations, including section 999.305.	50%

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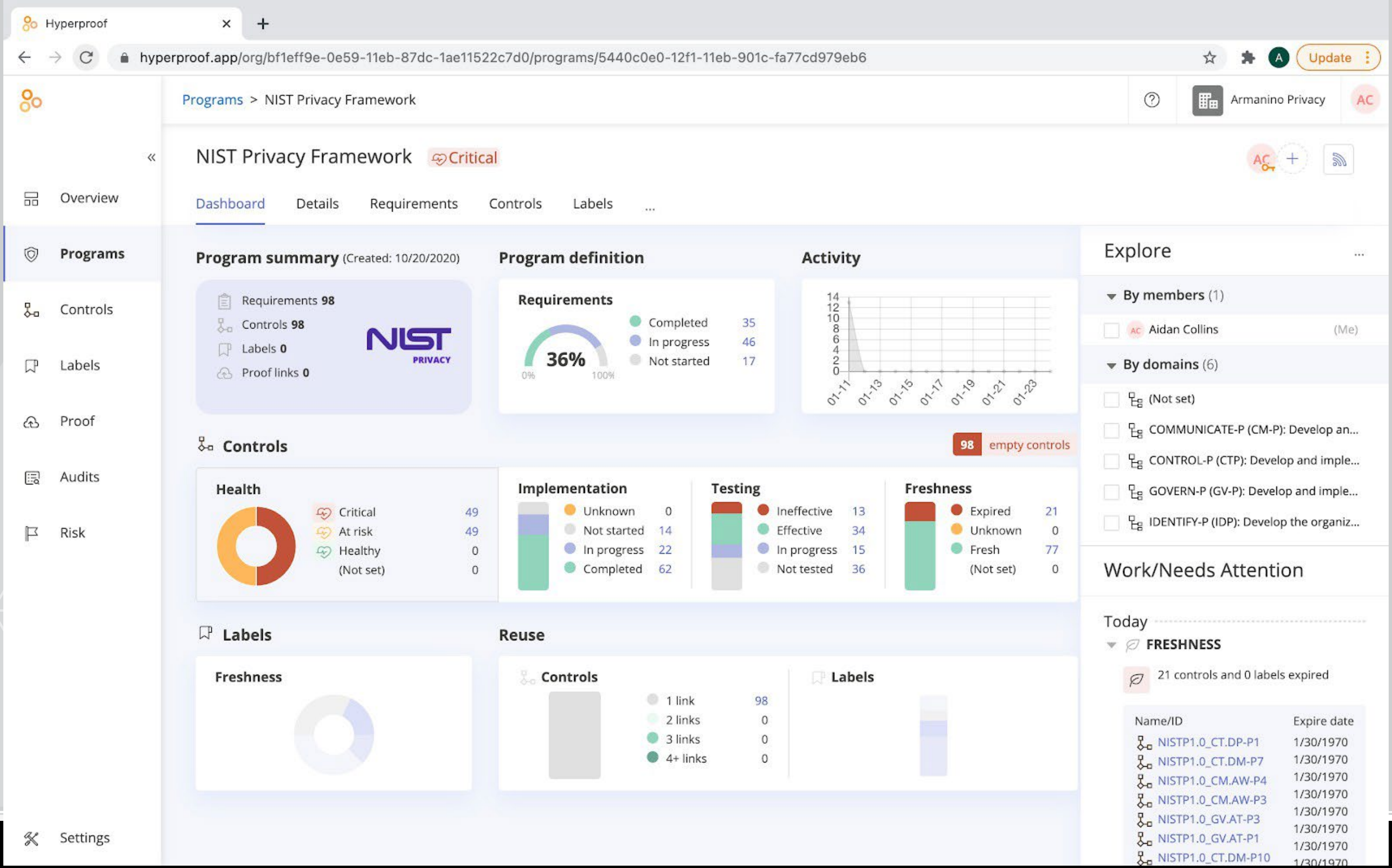

Hyperproof
hyperproof.app/org/bf1eff9e-0e59-11eb-87dc-1ae11522c7d0/programs/5440c0e0-12f1-11eb-901c-fa77cd979eb6
Update
Armanino Privacy
AC
Overview
Programs
Controls
Labels
Proof
Audits
Risk
Settings

Programs > NIST Privacy Framework

NIST Privacy Framework Critical

Dashboard | Details | Requirements | Controls | Labels | ...

Program summary (Created: 10/20/2020)

Requirements	98
Controls	98
Labels	0
Proof links	0

NIST PRIVACY

Program definition

Requirements 36%

Completed	35
In progress	46
Not started	17

Activity

Controls

98 empty controls

Health

Critical	49
At risk	49
Healthy	0
(Not set)	0

Implementation

Unknown	0
Not started	14
In progress	22
Completed	62

Testing

Ineffective	13
Effective	34
In progress	15
Not tested	36

Freshness

Expired	21
Unknown	0
Fresh	77
(Not set)	0

Labels

Freshness

Reuse

Controls

1 link	98
2 links	0
3 links	0
4+ links	0

Labels

Explore

By members (1)

- Aidan Collins (Me)

By domains (6)

- □ (Not set)
- □ COMMUNICATE-P (CM-P): Develop an...
- □ CONTROL-P (CTP): Develop and imple...
- □ GOVERN-P (GV-P): Develop and imple...
- □ IDENTIFY-P (IDP): Develop the organiz...

Work/Needs Attention

Today

FRESHNESS

21 controls and 0 labels expired

Name/ID	Expire date
NISTP1.0_CT.DP-P1	1/30/1970
NISTP1.0_CT.DM-P7	1/30/1970
NISTP1.0_CM.AW-P4	1/30/1970
NISTP1.0_CM.AW-P3	1/30/1970
NISTP1.0_GV.AT-P3	1/30/1970
NISTP1.0_GV.AT-P1	1/30/1970
NISTP1.0_CT.DM-P10	1/30/1970

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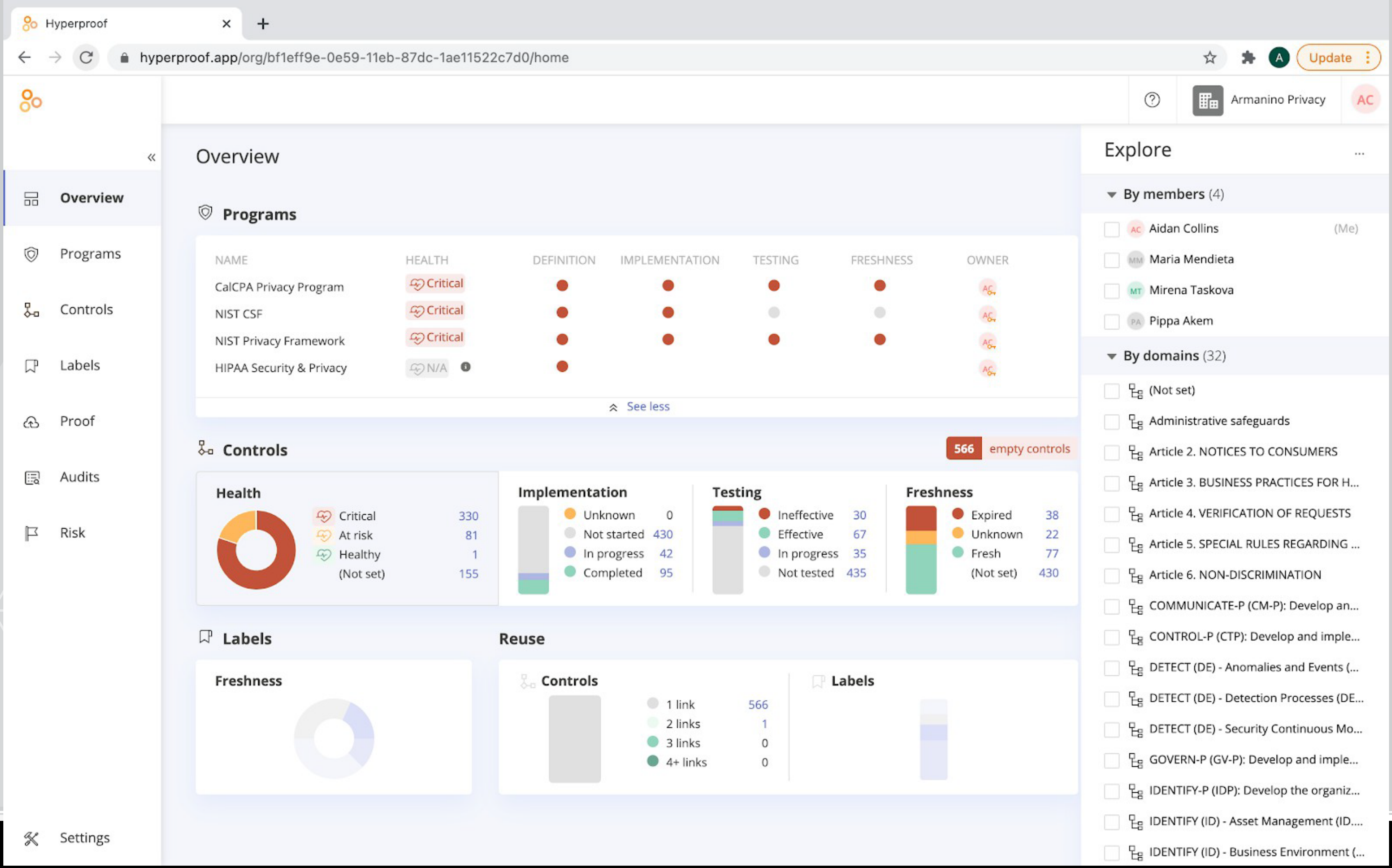


Hyperproof

hyperproof.app/org/bf1eff9e-0e59-11eb-87dc-1ae11522c7d0/home

Update

Armanino Privacy AC

- Overview
- Programs
- Controls
- Labels
- Proof
- Audits
- Risk
- Settings

Overview

Programs

NAME	HEALTH	DEFINITION	IMPLEMENTATION	TESTING	FRESHNESS	OWNER
CalCPA Privacy Program	Critical	●	●	●	●	AC
NIST CSF	Critical	●	●	○	○	AC
NIST Privacy Framework	Critical	●	●	●	●	AC
HIPAA Security & Privacy	N/A	●				AC

See less

Controls

566 empty controls

Health

Critical	330
At risk	81
Healthy	1
(Not set)	155

Implementation

Unknown	0
Not started	430
In progress	42
Completed	95

Testing

Ineffective	30
Effective	67
In progress	35
Not tested	435

Freshness

Expired	38
Unknown	22
Fresh	77
(Not set)	430

Labels

Freshness

Reuse

Controls

1 link	566
2 links	1
3 links	0
4+ links	0

Labels

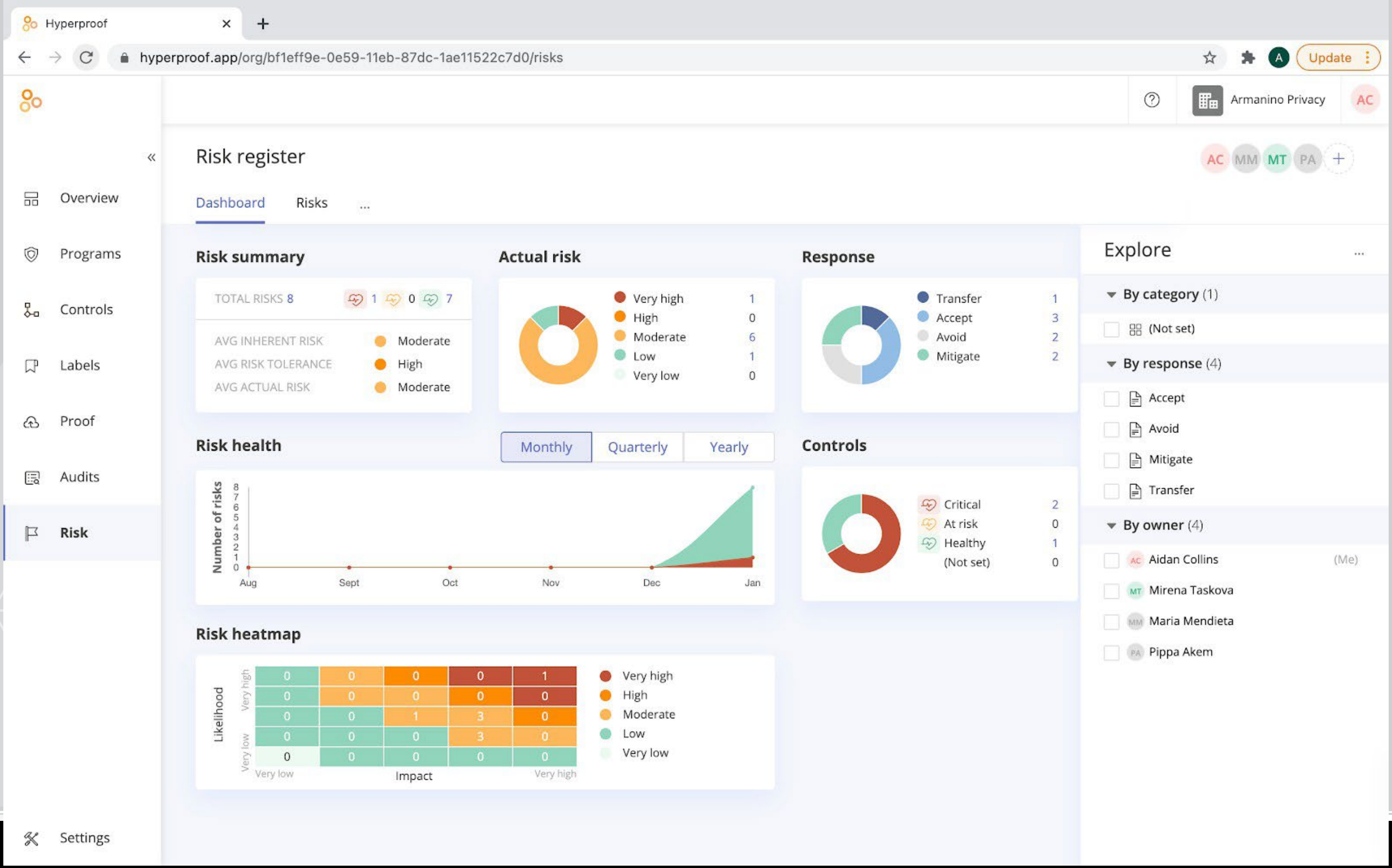
Explore

By members (4)

- □ Aidan Collins (Me)
- □ Maria Mendieta
- □ Mirena Taskova
- □ Pippa Akem

By domains (32)

- □ (Not set)
- □ Administrative safeguards
- □ Article 2. NOTICES TO CONSUMERS
- □ Article 3. BUSINESS PRACTICES FOR H...
- □ Article 4. VERIFICATION OF REQUESTS
- □ Article 5. SPECIAL RULES REGARDING ...
- □ Article 6. NON-DISCRIMINATION
- □ COMMUNICATE-P (CM-P): Develop an...
- □ CONTROL-P (CTP): Develop and imple...
- □ DETECT (DE) - Anomalies and Events (...
- □ DETECT (DE) - Detection Processes (DE...
- □ DETECT (DE) - Security Continuous Mo...
- □ GOVERN-P (GV-P): Develop and imple...
- □ IDENTIFY-P (IDP): Develop the organiz...
- □ IDENTIFY (ID) - Asset Management (ID....
- □ IDENTIFY (ID) - Business Environment (...



Risk register

Dashboard | Risks | ...

Risk summary

TOTAL RISKS 8 | 1 | 0 | 7

AVG INHERENT RISK	● Moderate
AVG RISK TOLERANCE	● High
AVG ACTUAL RISK	● Moderate

Actual risk

● Very high	1
● High	0
● Moderate	6
● Low	1
● Very low	0

Response

● Transfer	1
● Accept	3
● Avoid	2
● Mitigate	2

Risk health

Monthly | Quarterly | Yearly

Controls

Critical	2
At risk	0
Healthy	1
(Not set)	0

Risk heatmap

Likelihood					
Very high	0	0	0	0	1
	0	0	0	0	0
	0	0	1	3	0
	0	0	0	3	0
Very low	0	0	0	0	0
Impact	Very low				Very high

● Very high
● High
● Moderate
● Low
● Very low

Explore

By category (1)

□ (Not set)

By response (4)

□ Accept
□ Avoid
□ Mitigate
□ Transfer

By owner (4)

□ Aidan Collins (Me)
□ Mirena Taskova
□ Maria Mendieta
□ Pippa Akem

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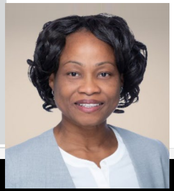
Top tips for successful annual privacy strategy

Top tips for successful annual privacy strategy

- Track global privacy developments, expectations, and best practices
- Build consensus and a team early!
- Monitor operational practices to identify new processes or material changes to existing processes; adopt privacy by design principles
- Establish Key Performance Metrics (KPIs), a report up, and evangelize through the organization!

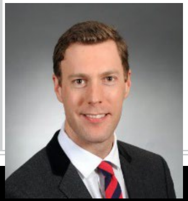


Pippa Akem
ARMANINO
ADVISORY LLC

- Evaluate your current privacy practices on the basis of a standard global privacy framework, such as NIST;
- Assess the current privacy risk;
- Create an annual privacy project plan by taking into consideration your current privacy posture, the evaluated privacy risk, the global privacy developments, as well as your specific business needs and budget;
- Assign an experienced privacy expert (e.g., external DPO) with proven global expertise to coordinate the privacy efforts;
- Implement the planned tasks and review success rate at the end of 2021.

Mirena Taskova
ARMANINO
ADVISORY LLC

- Use the NIST Privacy Framework to help meet your privacy goals!
- Explore Privacy Framework implementation resources
  - Crosswalks (e.g., CCPA, GDPR)
  - Privacy Risk Assessment Methodology
  - Quick Start Guide for Small and Medium Businesses



Dylan Gilbert
NIST

- Technology can help in three areas - process, content and monitoring / reporting.
- Use technology to support a well-defined process that includes stakeholders from across the organization.
- Get the best return on your investment in the NIST Privacy Framework by leveraging crosswalks to achieve compliance with other named frameworks.
- Monitor and communicate your progress on the implementation of NIST Privacy to show progress on improving your security & privacy control posture.

Aidan Collins
HYPERPROOF

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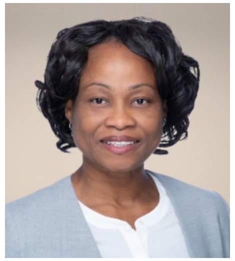
Panel



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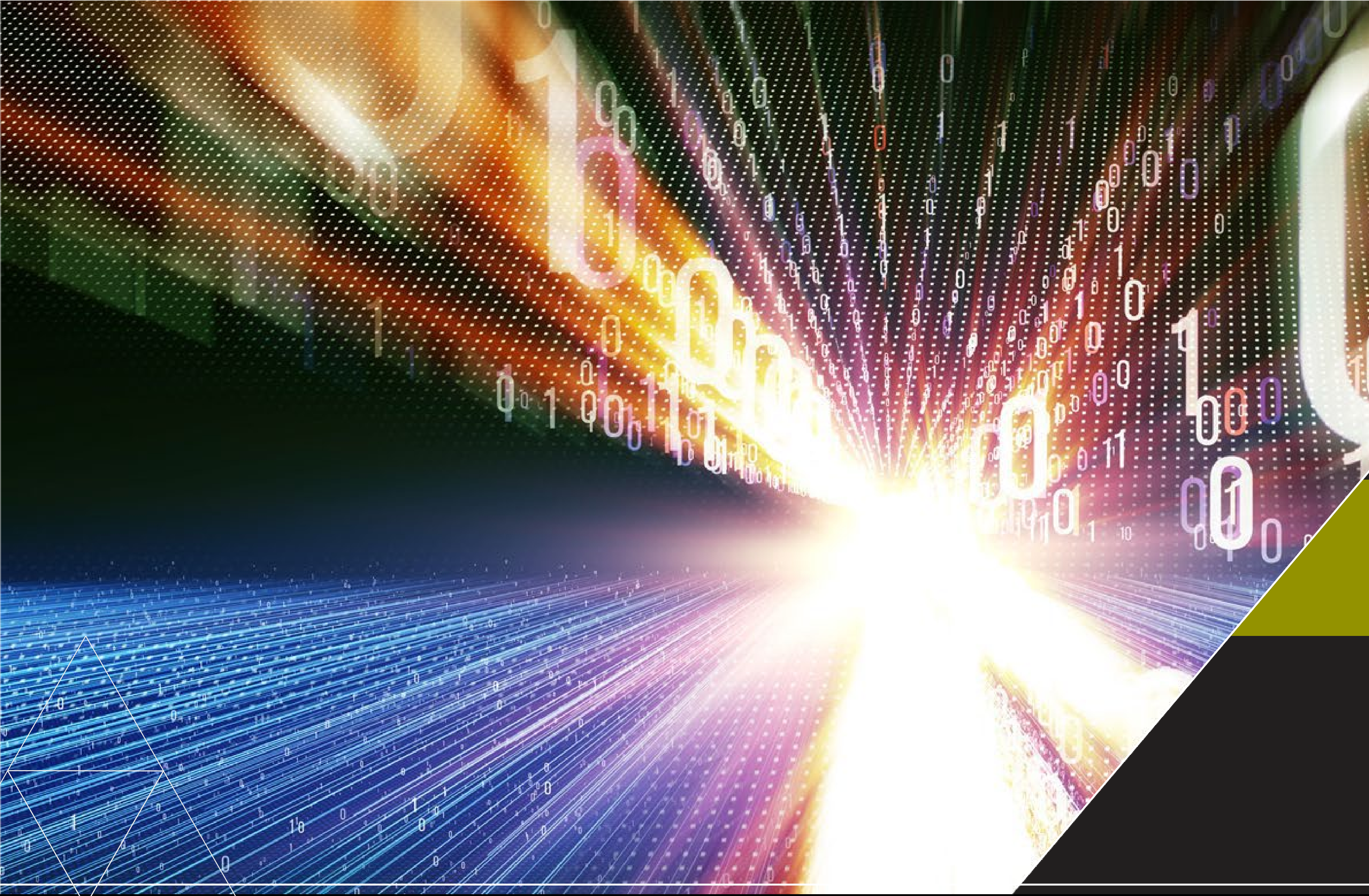

THANK YOU

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