DATA PROTECTION
WHAT IS PERSONAL DATA?

• Any piece of data relating to the identification of a person or data subject

• Data subject is any natural or juristic person

• Can include any of the following, name, email address, social security number, cellphone number and financial details

• Any data related to you
IMPORTANCE OF DATA PROTECTION

• Data protection is a fundamental Human Right

• Data is becoming the highest traded commodity

• Prevents or limits cybercrime

• Employee information and data needs to be protected

• Creates trust relationship between business and customer or employee
DATA LEAKS AND HACKS

• According to Risk Based Security

• 4.1 Billion records have been breached in 2019

• Three breaches have made the to top ten this year
  • Whatsapp
  • iPhone
  • Microsoft
Heartland
Independent payment processor
130,000,000
Jan 2009. The biggest credit card scam in history, Heartland eventually paid more than $110 million to Visa, MasterCard, American Express and other card associations to settle claims related to the breach. A hacker was sentenced to 20 years in prison for his role in this & other cases.
Facebook 419,000,000
Sep 2019. Several unprotected databases were found online containing the phone numbers of Facebook users, as well as in some cases their name, gender and country.

Indian Jobseekers 275,000,000

Marriott Hotels 383,000,000

Chinese resume leak 202,000,000

Equifax 50,000,000
CASE STUDY: EQUIFAX

• American Bank, hacked in 2017

• Approximate amount of information stolen 143 million

• 209,000 credit card numbers and 182,000 documents

• Fines that Equifax paid U$ 575 – 700 million
PROTECTION OF PERSONAL INFORMATION ACT

- **POPIA- PROTECTION OF PERSONAL INFORMATION ACT**
- South African legal framework
- Promulgated in 2013
- Promulgated to promote the right of privacy, protection of data subject
COMPLIANCE WITH POPIA

- POPIA somewhat applicable to Namibian companies
- Domiciled or registered outside of South Africa
- Collects data inside South Africa using automated and non-automated equipment.
IMPLEMENTING POPIA POLICY

• A data policy should address only the most important criteria

• Should address the importance of data governance within the company

• Privacy policy must be incorporated on website of company

• Privacy policy will be company specific
FINES AND PENALTIES OF NON-COMPLIANCE

• Fines ranging from N$ 500 000 – N$ 10 000 000
• Sever reputational damage
• Imprisonment of up to 10 years
• Immediate resignation by CEO and board members
GENERAL DATA PROTECTION REGULATION

• GDPR-General Data Protection Regulation

• Launched and adopted globally on 25 May 2018

• It regulates the collecting, storing and processing of private data of EU citizens by any business, irrespective of location
AIM OF GDPR

• Regulating the collecting, storing and processing of private data
• It strengthens the individuals right over his data
• Organizations collecting data will have to take more responsibility
• Benefit small business
• Extra-territorial jurisdiction
WHAT BUSINESS WILL BE IMPACTED

• GDPR will effect any business that does trade with any EU citizen over the internet

• It affects not only businesses trading within the EU boarders, but also businesses operating in a global sphere. Examples include Facebook, Amazon and Google
FINES AND PENALTIES OF NON-COMPLIANCE

• Sub-divided into two groups

• Lower level fines range between €10 million, or 2% of the worldwide annual revenue

• Upper level fines range between €20 million, or 4% of the worldwide annual revenue
PROTECTING YOUR BUSINESS

• Inform your customers, employees and other individuals when you collect the personal data

• Keep the personal data for only as long as is necessary

• Secure the personal data your are processing

• Make sure your sub-contractor respects and understand the rules
CASE STUDY GOOGLE

- Google largest search engine in the world
- Google receives 63,000 searches per second
- GDPR implemented French regulator fined Google approximately US$ 57 million
DATA GOVERNANCE

• Data governance is the initiative taken by a company to handling and processing of data

• Data governance is the overall management of availability, usability, integrity and security of data used
KING IV AND DATA PROTECTION

- Launched on 1 of November 2016
- Is a business tool to assist business in managing IT risk
- KING IV specifically address IT governance
- Companies that are listed or have trade agreements with South Africa need to become KING IV compliant
PRINCIPLE 12: IT GOVERNANCE

• Principle 12 governs any IT infrastructure of and organization

• It supports the organization to set-up and achieve its objectives

• Places a greater emphasis on the board to be more hands on

• The board is tasked with the approval of and overseeing that the IT policy is drafted and implemented
DATA GOVERNANCE POLICY

• In an ever changing technological world, governance needs to be put in place

• Should you revisit your IT policy?

• Policy should be transparent and indicate plan of action if breach does take place
THANK YOU ANY QUESTIONS?