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# PRIVACY + SECURITY FORUM

## Big Data: Impact of Privacy Laws on Big Data Analytics

Presented by:

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Cécile Georges, Chief Privacy Officer, Vice President and Assistant General Counsel, ADP

# Overview: Privacy Challenges for Big Data Activities

Expanding definitions of personal information / personal data

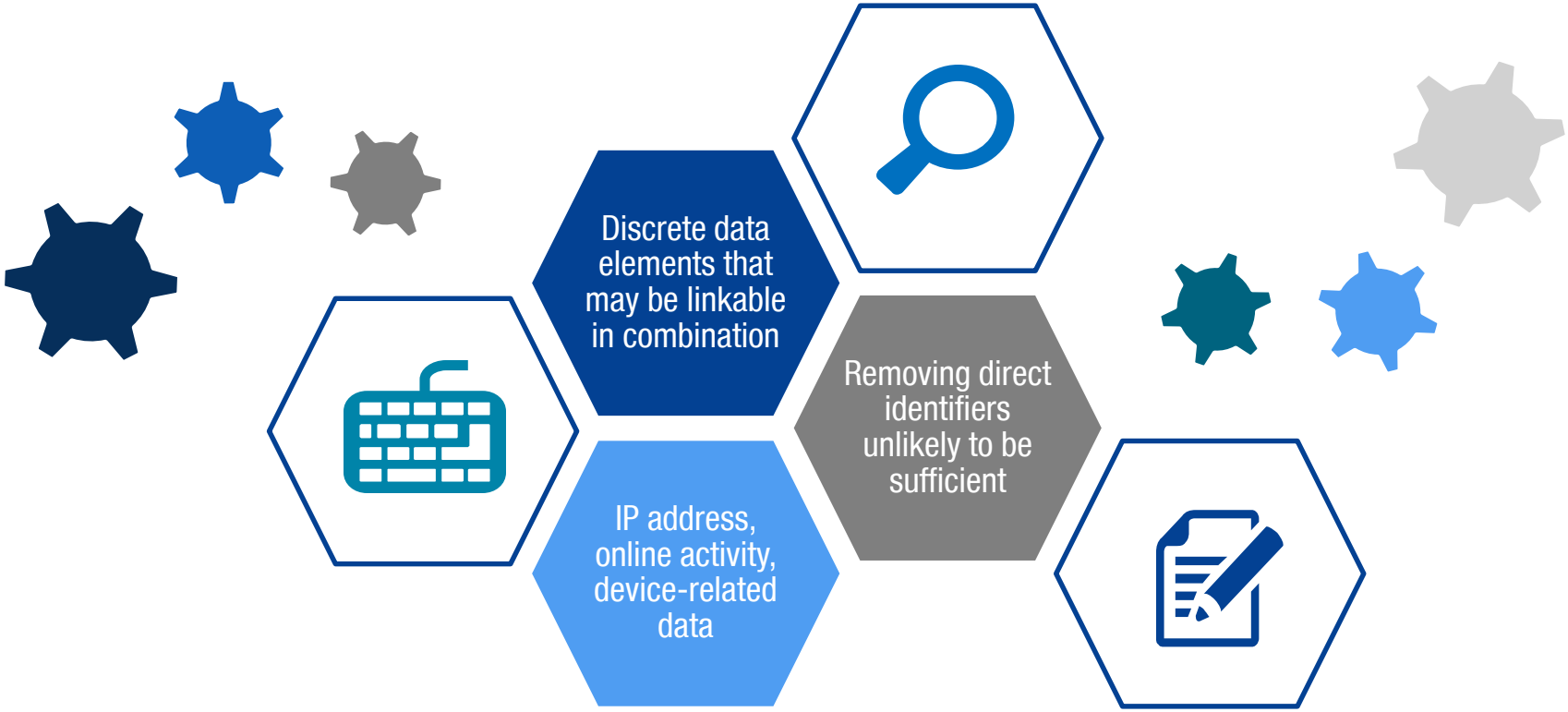
Tension between Big Data and data minimization
- How much data do you collect?
- How long do you retain the data?

And Big Data is getting even bigger, with machine learning and AI

# Expanding Definitions of Personal Information (PI)

**Information that relates to an identified or identifiable individual**

**Not always intuitive in practice**



# Options for Removing/Reducing PI from Datasets

Pseudonymization (still PI, but more privacy protective)

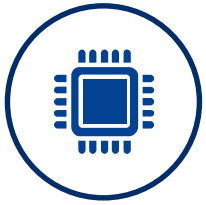
De-identification / anonymization

Aggregation

# Managing Legal Basis and Purpose Limitations

Assessing whether
Big Data activities are consistent with purposes disclosed to individuals

Undertaking new privacy assessments for new purpose/sharing



Managing consent
and opt-out processes, where applicable

# Reevaluating Legacy Datasets

Data scraped from third-party sites

Data procured from third parties

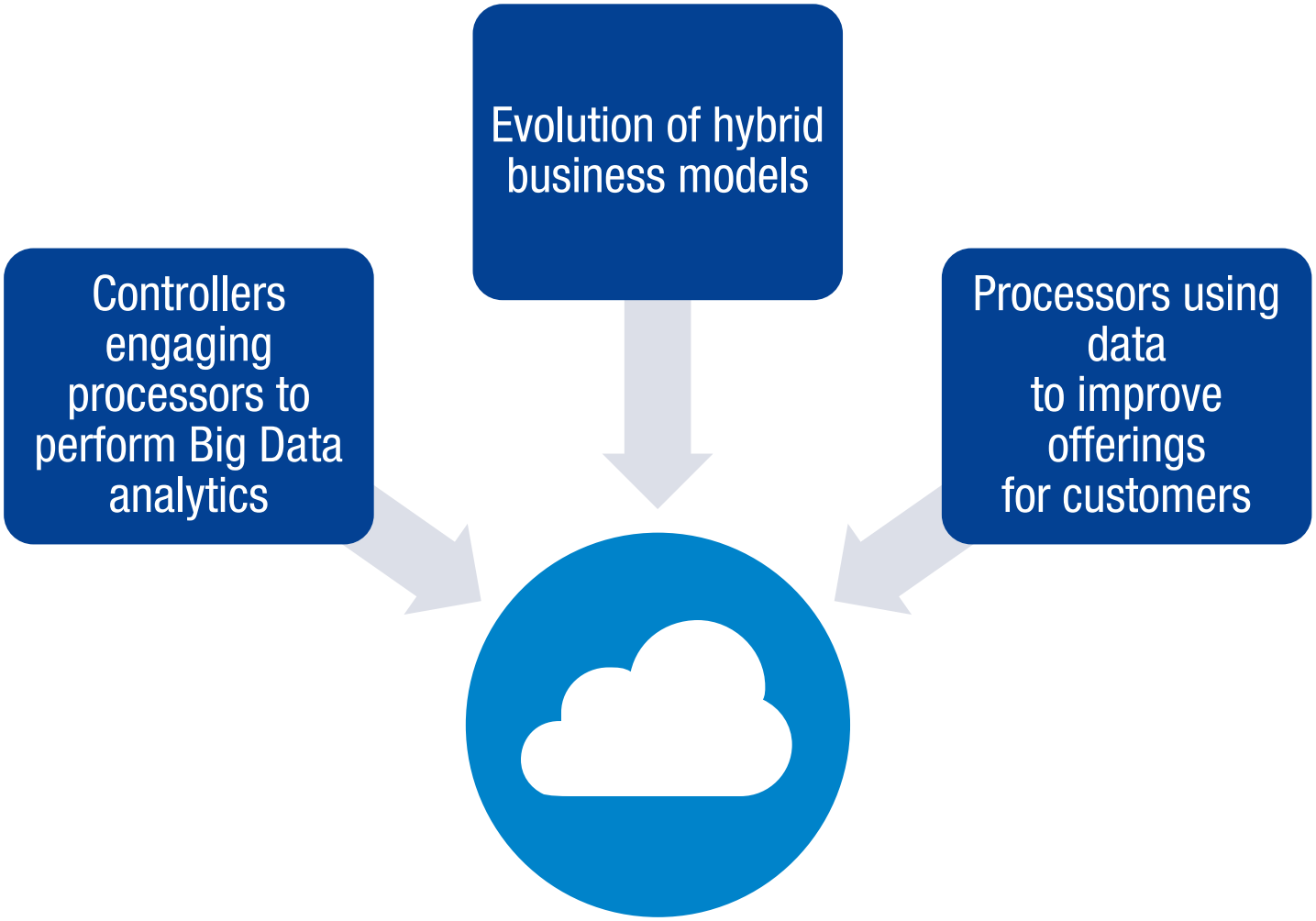
Growing scrutiny of "data brokers"

Due diligence, beyond contractual assurances

# Implementing Safeguards for Data Sharing

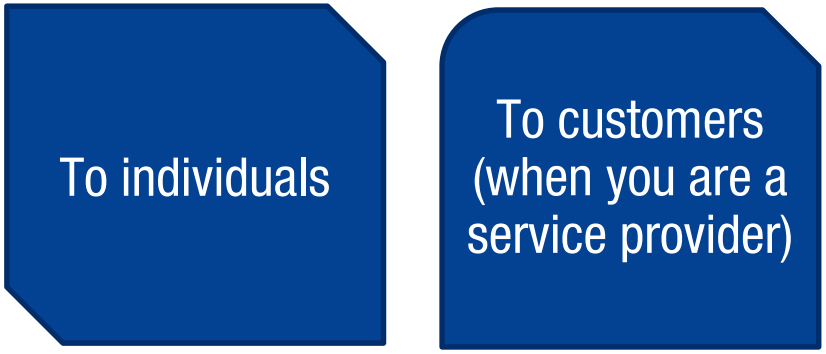
1. Distinguishing between service providers / processors and 3rd party partners
2. Due diligence
3. Limiting data rights via contractual and other means
4. Identifying potential business and legal risks of sharing
5. Managing consent and opt-out processes for sharing, where applicable

# Controller/Processor Distinctions



# Transparency

**Transparency as core element of building trust, whether B2B or B2C**




**Moving beyond privacy policies**

**Transparency considerations for processors**

# Intersection of Privacy and Ethics for Big Data

**Assessing direct and indirect consequences of Big Data activities**

- To the data subject
- To the other individuals

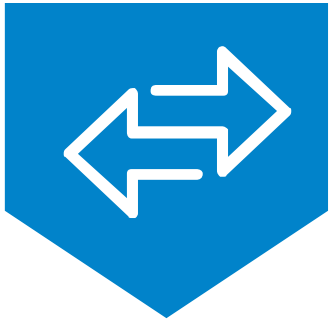
**Moving beyond automated decision-making profiling**

**Risks of discriminatory effects**

**Creating and enforcing guardrails, checks and balances**

# Addressing Risks of Algorithmic Bias

Direct discrimination vs. adverse impact



Reverse discrimination

Risks of relying on assumed neutrality of algorithms, black box solutions

Evolving role of testing and data scientists

# Data Security

Bigger data = bigger target for attack

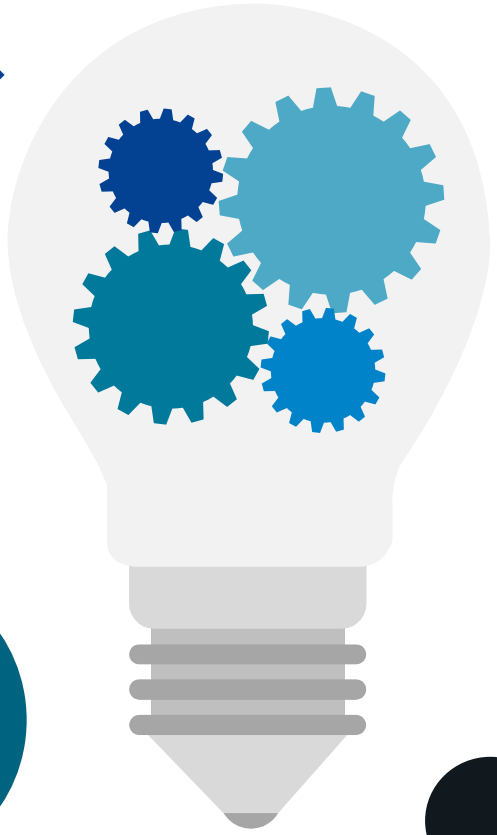
Creating smaller datasets for specific projects, limiting access to full database

Logging to detect not only intrusions, but unauthorized manipulation of data

# Making the Business Case

Privacy laws will continue expanding, requiring greater transparency and giving more rights to individuals

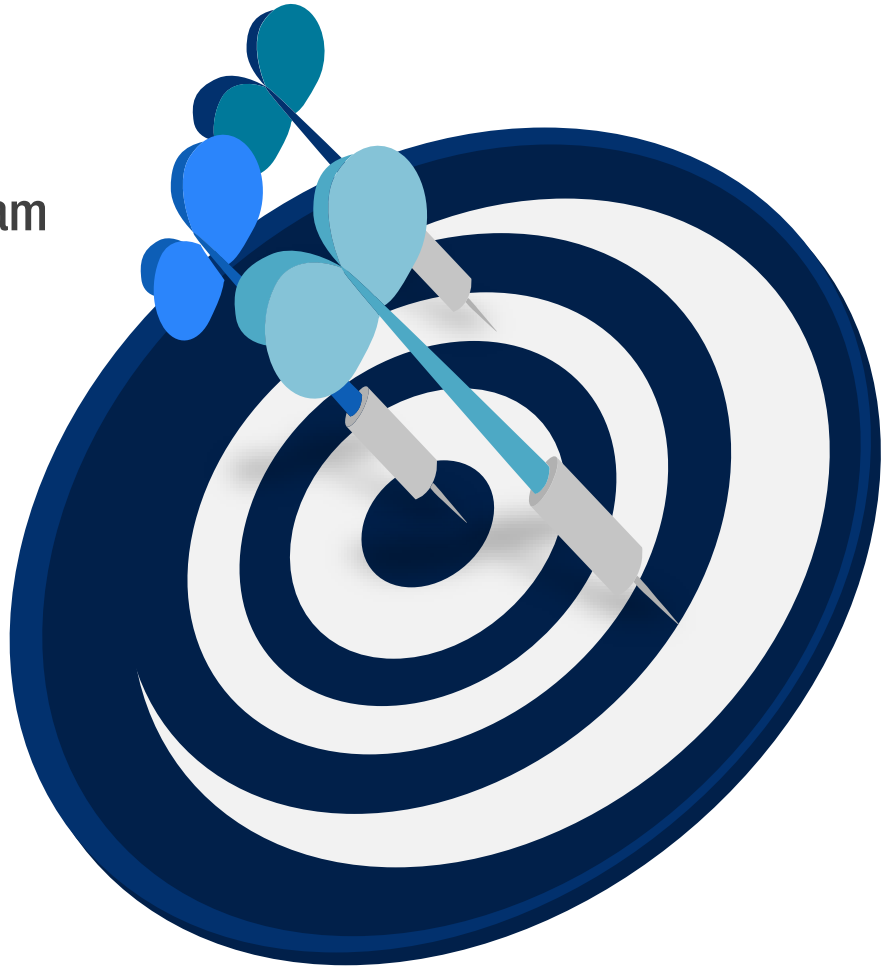
"Black box" approach won't work with increasingly sophisticated regulators, privacy advocates, courts, customers, consumers



Companies engaged in Big Data need to be prepared to earn trust— and if they do, they will have significant competitive advantage

# Governance and Accountability

- Building a cross-functional team with direct stakeholder involvement
- Roles of senior management and the Board
- Training and awareness



# Final Thoughts

Privacy and Big Data may be in tension but need not be at odds

Companies engaged in Big Data must be able to explain at a basic level what they are doing and how, and what safeguards they are taking

- That's not easy, and will require collaboration of technical and legal teams
- But the payoff will be greater transparency and trust—and likely more business

Know your data providers, processors, and partners, and reassess them periodically

Address data minimization principles and document measures taken

Promote privacy as a value add that enables valuable data activities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## Education

- University of Iowa (B.A., 1996)
- Stanford Law School (J.D., 1999)

# Christine E. Lyon

Christine Lyon helps companies develop privacy and data protection strategies for new products and services, as well as privacy compliance programs for their customer and employee data. A trusted advisor, Chris works collaboratively with her clients to develop practical approaches that leverage data while complying with evolving global privacy and data protection laws.

Based in Silicon Valley, Chris' clients span various industries for which data are vital to operations or business models, including technology service providers, hardware and software companies, pharmaceutical and biotechnology companies, and consumer product manufacturers. She has extensive experience navigating privacy risks from design through production and beyond, regularly counseling startups and large multinationals alike throughout the lifespans of their products and services. Chris has particular expertise advising technology companies on building privacy protections into cutting-edge offerings including connected products and services (Internet of Things), artificial intelligence (AI) and data analytics, and cloud-based services, as well as on managing the related "Big Data" implications. She also frequently conducts privacy assessments of new products and services and helps clients structure and negotiate the privacy aspects of M&A and other strategic transactions to both achieve compliance and manage data risks.

### RANKINGS

***Legal 500 US* 2014, 2016**
Recommended in the areas of Privacy and Data Protection and Cyber Law

***Legal 500 US* 2020**
Recommended as a Key Lawyer: Privacy and Data Protection

Chief Privacy Officer
ADP

## Education

- Magistère (Masters) in Information Technology Law
- Paris Bar (1995)

# Cécile Georges

- Cécile Georges is the Global Chief Privacy Officer (CPO) of ADP. She has led the Data Privacy and Governance Team, which is part of the Global Compliance organization, since December 2016. The Team provides advice and operational guidance to all ADP business units globally, and is responsible for the design and implementation of ADP's enterprise-wide compliance programs with respect to the protection of personal information.
- In her previous role as the lead lawyer for the Asia-Pacific region, Cécile relocated from Paris, France to Singapore, where she supported the geographical expansion of ADP in the Asia-Pacific region. Cécile joined ADP in 1999 and was instrumental in building the Legal function in France. In 2006, she was appointed as the head of Legal for Europe and was promoted to VP, Assistant General Counsel. In 2011, her scope was expanded and she was responsible for all of ADP International Legal. Cécile has always been focused on the development of performance-driven teams that deliver excellent services to the business and ADP clients.
- Most recently, Cécile has been involved in a number of international and domestic Webinars/Conferences providing expertise and thought leadership on the operationalization of the European General Data Protection Regulation, Binding Corporate Rules and Privacy compliance programs.


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