

USING AUTOMATION TO COMPLY WITH CCPA

In this era of innovation and digital transformation, organizations build strategies that rely heavily on large amounts of structured and unstructured data, including personal information, allowing them to derive conclusions about consumers, create targeted marketing campaigns or provide personalized experiences. At the same time, with growing awareness and concerns for data privacy across the world, companies are also expected to comply with data privacy and protection principles related to the use of personal data. Many jurisdictions are drafting or have already passed new regulations that require companies to be more diligent about the way they process and secure personal data. More specifically, regulations such as the California Consumer Privacy Act (CCPA), are giving consumers more control over their data. For example, consumers are given rights to request access or deletion of the personal information a company has acquired about them. The CCPA goes into effect on January 1, 2020, which will challenge organizations to update their practices and enhance their request processes. However, through the use of technology, companies can find efficiencies and address compliance by automating data discovery and their request processing from intake to completion.

THE CURRENT REGULATORY LANDSCAPE

Last year, companies around the world were challenged to enhance their data governance and data protection programs when the European Union (EU) put the General Data Protection Regulation (GDPR) into effect on May 25, 2018. While the EU has always been a leader in data privacy law, the GDPR helped unify enforcement principles across member states and commanded the attention of organizations around the world due to the high cost of non-compliance. Like the GDPR, the CCPA gives more control to the consumer over their own data. They have the right to request access to their data, be informed about data processing activities and understand where and to whom their information has been disclosed. For most companies, knowing exactly where a consumer's data resides has been one of the most challenging tasks on the path to regulatory compliance.

The CCPA also puts a heavy emphasis on third-party sharing practices as companies must immediately comply with a California consumer's request to stop selling their data. Under the CCPA, consumers can submit requests related to their personal data. The CCPA defines personal information as any information that "identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household."

Information That a Consumer May Request Includes:



Categories of personal information collected about the consumer, as well as categories of sources from which the personal information is collected.



Specific personal information collected about the consumer.



The commercial reason(s) why a business collects or sells the personal information.



Categories of third parties in which the business shares personal information.



Categories of consumers' personal information that is sold to various categories of third parties (note, the CCPA defines "sell," "selling," "sale," or "sold" very broadly).



Categories of consumers' personal information that is disclosed for a business purpose.

To add more complexity, the concept of "selling" data is defined quite broadly under the CCPA so this will directly impact data processing agreements, the way companies source their data and how companies will address a consumer opt-out request. Though the CCPA offers more time to process these requests – 45 days compared to the GDPR's one-month deadline – consumer requests have not historically been common practice in the US. Therefore, the growing pains companies experienced during this first year of the GDPR will only be exasperated by the CCPA. As the fifth largest economy in the world, the impact California consumer privacy rights can have on an organization should not be taken lightly.

AUTOMATION TO SUPPORT COMPLIANCE

For companies who currently collect personal data, enhanced strategies must be implemented to ensure compliance with new CCPA regulations. As companies work to become compliant, heightened focus regarding internal data governance strategies and policy planning need to be integrated and maintained. Companies can benefit from the use of technology to supplement their approach.

Analyze Your Current Data Landscape:

Companies should start by understanding the breadth of the personal data collected, used, sold or stored. It is important to also understand and define the business purpose for processing personal data, along with practicing data minimization principles through the use of a global data retention schedule. While structured data is typically easier to identify and address, it is critical that organizations also account for their unstructured data. Understanding the location and lifecycle of your data better prepares your professionals to tackle appropriate data management and define your compliance roadmap.

Consider leveraging data discovery and analytics tools to identify where personal data resides within an organization. These tools can save a company time and money when developing and maintaining data inventories, which are critical components of any data privacy program.

Implementation:

Companies must operationalize their policies to ensure compliance with the CCPA. When requested, companies must disclose what data has been sold, what personal data is collected, and/or any third parties with whom the data is shared. The request process is cumbersome for a company to tackle, as the regulation includes: a toll-free phone number for submission and a webpage to ensure that consumers have the ability to opt-out. Many organizations handle today's data subject requests with a combination of multiple disparate tracking mechanisms and tools, along with manual intervention to perform repetitive tasks.

However, this approach is not scalable, particularly if the company experiences an influx of requests. There are high costs and time constraints associated with the manual work effort involved in this type of request process. Companies can utilize centralized tracking mechanisms and data analytic tools to automate the management of consumer requests. Using standardized workflows, integrated Application Programming Interfaces (APIs), and Robotic Process Automation (RPA), companies can systematically process requests in a shorter period of time. The use of these tools can streamline requests and offer consumers more timely responses and request resolution.

Data is not stagnant, and neither is your business. Organizations need to be committed to continuous updates to data processing inventories and data privacy related policies and procedures. As an organization's business strategies and data collection practices change, policies and processes must also adapt. The use of automation for compliance can offer scalable and dynamic solutions with impactful cost savings given the reduction in manual analysis and implementation efforts that are required to address each passing regulation. As the world's consumers continue to become more conscious of their personal data and how it is used, more jurisdictions with stricter regulations will follow. There are many considerations when instituting sound data governance and privacy compliance practices. Addressing them with the appropriate technologies can position your company to be ahead of the curve as new regulations, like the CCPA, are enacted.

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