

Zooming In

While the 1st day was all about the contours of the PDPB and the suspense around it, the 2nd day shifted focus towards zooming into more tangible area of familiarity – the corporate. There was a natural curiosity about how will the companies cope with the rather fuzzy demands of the data protection rules across the globe. Companies with global presence or serving global customers, are exposed to the requirements of the global privacy laws prevailing, with different depths. With some exceptions, there may not be many companies that have understood the applicability of these laws clearly, and that have gone on to conduct audits and reviews. Perhaps, the seriousness and commitment would increase manifolds once a law is in place and the threat of fines hang on the head.

Even before delving into the data protection domain, the participants were treated to an enlightening session on cyber security and data breaches from Dr Triveni Singh, IPS, SP UP Police, a renowned cyber crime and financial fraud investigator. Dr Triveni spoke about the mounting cyber fraud incidents in UP quoting 70k cases in past 2 years with 10k FIRs filed, a majority of which are of the financial kind. He revealed a rather startling information that some cyber security compliance certifications for companies are available for paltry payment of 15 to 20k rupees. He however rued the fact that many BFSI segment corporates ignore compliance requirements in-spite of IRDA insisting upon them. The awareness amongst the top management and the seriousness about incident handling is sadly absent in many companies. Dr Triveni emphasized that it is very easy for a hacker to steal employee credentials information and sell it in private or through dark web. He supported his claim with many examples in real world. He lamented that companies are concerned about reporting cyber data breach incidents due to the fear of damaged reputation and bad press. They tend to hush up the incident instead of doing internal investigations and forensic due diligence.

The HR is a significant owner and custodian of sensitive personal data of employees. A captivating panel discussion revealed the challenges and what measures have been taken by corporates belonging to different verticals. The practice of sharing incoming CVs with many internal managers indiscriminately was seen as a practice to be changed. Tracing of data flow and being sure where all data resides is very important to satisfy the rights of individuals as per the law. Panelists reinforced the fact that a lot of technology intervention is necessary to comply with the rules of data privacy. The participants were enlightened about the SCC requirements and the Schrems II invalidation of privacy shields. Additional checks are necessary in instances of cross border data transfer. On the impact of GDPR on Indian Companies, panelists opined that compliance was never a one time activity and instead a continuous vigil of due diligence coupled with internal assessments and audits were necessary. Awareness of the impact of the GDPR regulations and the consequences of non-conformity were discussed to be very important. The supply chain issues that make visibility of data and a control on them is a big challenge and privacy by design is vital component of compliance. In the international sphere, the conflict that exists between state laws, sectoral laws and federal laws in the USA was highlighted to be a nagging issue.

An engaging panel discussion on Technology tools threw light on the importance of Zero Trust and DLP as such and the overall cyber posture of the organization. Panelists were unanimous in saying that even though there are security measures like firewalls, end point protection, email security, and provisions like sandbox testing, virtual desktop and thin clients – there is always the threat of advanced attacks exploiting unknown vulnerabilities. Collaboration tools used for online purposes have been upgraded to allow configurations for consent, and personalized settings. Panelists said that privacy

policy, privacy by design, and privacy scoping in application development are crucial activities that contribute to due diligence.

The main takeaway from the 2nd day session was the knowledge about how different functions inside organizations are coping with the challenges of compliance including the HR, the IT, the supply chain and also the insightful view from outside the corporate by Dr Triveni Singh.

Thanks,

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