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QUESTION 1

IUA and PAT

The company has a very mature enterprise level access control policy to restrict access to information. There is a single sign-on platform available to access company resources such as email, intranet, servers, etc. However, the access policy in client relationships varies depending on the client requirements. In fact, in many cases clients provide access ids to the employees of the company and manage them. Some clients also put technical controls to limit access to information such data masking tool, encryption, and anonymizing data, among others. Some clients also record the data collection process to monitor if the employee of the company does not collect more data than is required. Taking cue from the best practices implemented by the clients, the company, through the consultants, thought of realigning its access control policy to include control on data collection and data usage by the business functions and associated third parties. As a first step, the consultants advised the company to start monitoring the PI collection, usage and access by business functions without their knowledge. The IT function was given the responsibility to do the monitoring, as majority of the information was handled electronically. The analysis showed that many times, more information than necessary was collected by the some functions, however, no instances of misuse could be identified.

After few days of this exercise, a complaint was registered by a female company employee in the HR function against a male employee in IT support function. The female employee accused the male employee of accessing her photographs stored on a shared drive and posting it on a social networking site.

(Note: Candidates are requested to make and state assumptions wherever appropriate to reach a definitive conclusion)

Introduction and Background

XYZ is a major India based IT and Business Process Management (BPM) service provider listed at BSE and NSE. It has more than 1.5 lakh employees operating in 100 offices across 30 countries. It serves more than 500 clients across industry verticals -- BFSI, Retail, Government, Healthcare, Telecom among others in Americas, Europe, Asia-Pacific, Middle East and Africa. The company provides IT services including application development and maintenance, IT Infrastructure management, consulting, among others. It also offers IT products mainly for its BFSI customers.

The company is witnessing phenomenal growth in the BPM services over last few years including Finance and Accounting including credit card processing, Payroll processing, Customer support, Legal Process Outsourcing, among others and has rolled out platform based services. Most of the company's revenue comes from the US from the BFSI sector. In order to diversify its portfolio, the company is looking to expand its operations in Europe. India, too has attracted company's attention given the phenomenal increase in domestic IT spend esp. by the government through various large scale IT projects. The company is also very aggressive in the cloud and mobility space, with a strong focus on delivery of cloud services. When it comes to expanding operations in Europe, company is facing difficulties in realizing the full potential of the market because of privacy related concerns of the clients arising from the stringent regulatory requirements based on EU General Data Protection Regulation (EU GDPR).

To get better access to this market, the company decided to invest in privacy, so that it is able to provide increased assurance to potential clients in the EU and this will also benefit its US operations because privacy concerns are also on rise in the US. It will also help company leverage outsourcing opportunities in the Healthcare sector in the US which would involve protection of sensitive medical records of the US citizens. The company believes that privacy will also be a key differentiator in the cloud business going forward. In short, privacy was taken up as a strategic initiative in the company in early 2011.

Since XYZ had an internal consulting arm, it assigned the responsibility of designing and implementing an enterprise wide privacy program to the consulting arm. The consulting arm had very good expertise in information security consulting but had limited expertise in the privacy domain. The project was to be driven by CIO's office, in close consultation with the Corporate Information Security and Legal functions.

What role can training and awareness play here? (250 to 500 words)



A. See the answer in explanation below.

B. Placeholder

C. Placeholder

D. Placeholder

Correct Answer: A

Training and awareness play an essential role in the successful implementation of a comprehensive privacy program. This is especially true for an organization that has limited expertise on the subject. Training and awareness help to ensure that everyone understands their obligations under the EU GDPR as well as other applicable laws and regulations, while also providing employees with best practices to ensure data protection. One way to ensure optimal training and awareness is by creating a comprehensive training curriculum tailored specifically for XYZ's needs. The curriculum should cover topics such as data privacy rights, compliance requirements, impact assessment, access control measures, encryption technologies, incident response plans and more. Additionally, it should be augmented with practical examples so that employees can understand how these principles apply in different scenarios. Moreover, a comprehensive awareness program should be established to keep all employees informed of the latest developments in privacy law. This can include newsletters, webinars and other communications that explain changes in laws or policies, provide information on new technologies, or even give advice on how to handle particular challenges. Finally, management should ensure that there are measures in place to evaluate the effectiveness of the training and awareness programs. This can include surveys, interviews with staff members and other methods such as focus groups or workshops. All these means will help XYZ assess whether its employees understand their obligations under the GDPR and other applicable laws and regulations. By creating a comprehensive training curriculum tailored specifically for its needs and establishing an effective awareness program, XYZ can ensure that everyone in the organization is better informed and aware of their responsibilities under the GDPR. This, in turn, will help to improve compliance with the applicable laws and regulations while protecting its customers' data. Ultimately, this will allow the company to realize its full potential on the European market. By investing in training and awareness programs, XYZ demonstrates a commitment to proper privacy procedures which will not only benefit its operations in Europe but also those in the US. It is essential for any company operating today to prioritize privacy so that it can build client trust as well as remain compliant with regulations. With an effective training and awareness program in place, XYZ can confidently approach both current and potential clients knowing that their data will be secure. Overall, training and awareness are important components of a successful privacy program. By investing in these programs, XYZ can ensure that everyone is informed and aware of their responsibilities under the GDPR and other applicable laws and regulations. This, in turn, will help to protect customer data while also improving compliance with applicable laws. Ultimately, this will help XYZ realize its full potential on the European market as well as build client trust. By establishing a comprehensive training and awareness program, XYZ will be better prepared to handle the challenges of data privacy regulation. With the proper methods in place, the company can not only protect its customers' data but also remain compliant with laws and regulations. This, in turn, will help it achieve success on both domestic and international markets. Ultimately, investing in training and awareness is essential for any organization operating today.

QUESTION 2

RCI and PCM

In April 2011, the rules were issued under Section 43A of the IT Act by the Government of India and the 'body corporates' were required to comply with these rules. The Corporate legal team tried to understand and interpret the rules but struggled to understand its applicability esp. to client relationships and business functions. So, the company hired an IT Act legal expert to advise them on the Section 43A rules.

To start with, the company identified the PI dealt with by business functions as part of the earlier visibility exercise, but it wanted to reassure itself. Therefore, a specific exercise was conducted to revisit 'sensitive personal information' dealt by business functions. It was realized that the company collects lot of SPI of its employees and therefore 'reasonable security practices' need to be adhered to by the functions that deal with SPI. It was also ascertained that many of this



SPI is being dealt by third parties, some of which are also located outside India. To meet the requirements of the rules, the company reviewed all the contracts and inserted a clause "the service provider shall implement reasonable security practices and procedures as per the IT (Amendment) Act, 2008". Some of the large service providers were ISO 27001 certified and they claimed that they fulfill the requirements of "reasonable security practices". However, some SME service providers did not understand what would "reasonable security practices" imply and requested the company to clarify, which referred them to Rule 8 of the Section 43A. Some small scale service providers expressed their unwillingness to get ISO certified, given the costs involved.

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Did the company take sufficient steps to protect SPI dealt by its service providers and ensure that it complies with the regulatory requirements? Was referring to "reasonable security practices" sufficient in the contracts or the company should have also considered some other measures for privacy protection as well? (250 to 500 words)

- A. See the answer in explanation below.
- B. Placeholder
- C. Placeholder
- D. Placeholder

Correct Answer: A

The consulting arm of XYZ developed a comprehensive privacy program in line with the company's goal to leverage its existing technology infrastructure, resources and capabilities for protecting data. The program had three parts ? awareness and training, policy development and implementation. On the awareness front, extensive training was



conducted for employees on various aspects of privacy including GDPR compliance. This was followed by the development and rollout of an enterprise-wide privacy policy which clearly defined the various steps to be taken to protect sensitive personal information (SPI) such as encryption, access controls etc. After this, customer contracts were reviewed for appropriate protection clauses and service providers were made to sign 'reasonable security practices' clauses in their contractual obligations as specified in EU GDPR. At first glance, it seemed that XYZ had taken adequate steps to protect SPI dealt by its service providers and ensure that it complies with the regulatory requirements. However, on careful scrutiny, there were some lacunae in the program. For instance, as per EU GDPR, personal data must be pseudonymized or encrypted prior to transfer from one entity to another. In this case, though encryption was mentioned in the policy documents but there were no specific measures given for ensuring proper encryption of data before any transfer. Similarly, 'reasonable security practices' clause was included in customer contracts but there was no mention of any tools like firewalls or other means of protecting sensitive information which could have further strengthened the privacy protection efforts made by the company. Thus, it is clear that XYZ did make some efforts to comply with the EU GDPR but in order to ensure full compliance, more specific measures should have been taken and all contractual obligations must be such that they clearly define the security and privacy controls that need to be put in place between customer/client and service provider. This would further give customers greater assurance of privacy protection from XYZ's services. Going forward, XYZ can consider investing in more advanced technologies like biometrics authentication etc for maximum security of data. Furthermore, the company should also ensure periodic reviews of its policy documents and contracts so as to ensure better protection of sensitive personal information. Overall, though XYZ took some reasonable steps to protect SPI of its customers, it should have done more by introducing advanced security measures and including stringent contractual obligations for service providers. This would have enabled the company to achieve full compliance with EU GDPR and ensure greater security of customer's personal data.

QUESTION 3

"Data which cannot be attributed to a particular data subject without use of additional information." Which of the following best describes the above statement?

- A. Anonymized Data
- B. Metadata
- C. Pseudonymized Data
- D. None of the above

Correct Answer: C

QUESTION 4

Create an inventory of the specific contractual terms that explicitly mention the data protection requirements. This an imperative of which DPF practice area?

- A. Visibility over Personal Information (VPI)
- B. Information Usage and Access (IUA)
- C. Privacy Contract Management (PCM)
- D. Regulatory Compliance Intelligence (RCI)

Correct Answer: C



QUESTION 5

Its mandatory for the assessee to provide the pre-requisites to the assessor organization before commencement of the first phase of assessment.

A. True

B. False

Correct Answer: A

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