



**Data Privacy & Security
Advisors LLC**



Self-Certifying for the EU-US Data Privacy Framework



Data Privacy & Security Advisors LLC

Expertise in the strategy, operation, and execution of global data protection programs:

CONSULTING SERVICES

- Data Mapping, Consent, and DSR Processes
- Program Governance Framework & Steering Committee Charter
- Website Notices and Internal Policies
- Training & Board Awareness

RISK ASSESSMENTS

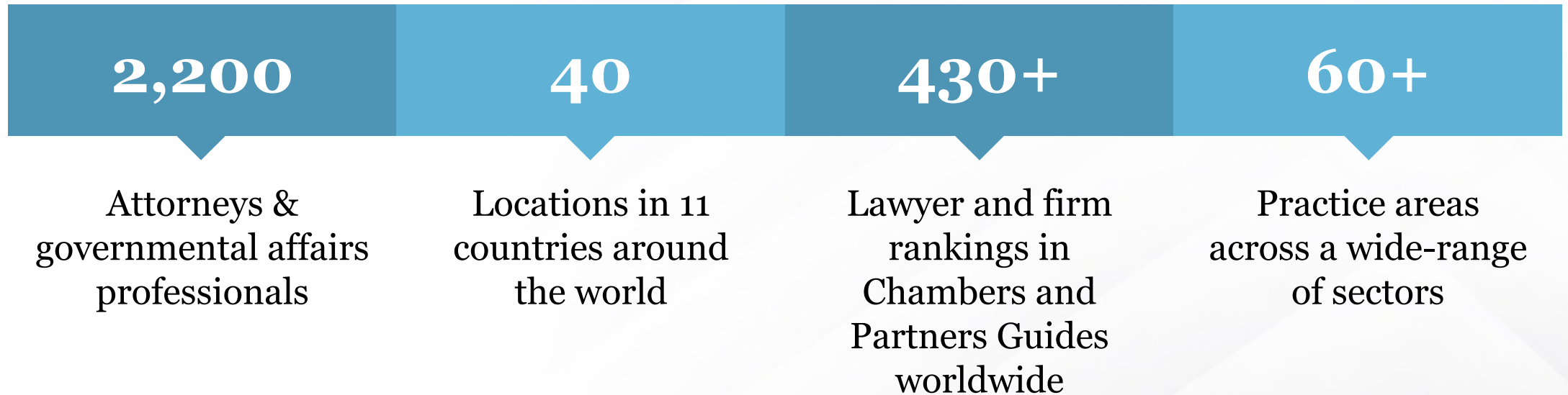
- Gap & Maturity Assessments for GDPR, CCPA/CPRA, HIPAA, GLBA
- Information Security Program Assessments
- Vendor Risk Assessments
- Privacy Impact Assessments
- ISO 27001 and ISO 27701 Certification Preparedness

PRIVACY OFFICE AS A SERVICE



White-glove
services for
OneTrust
to Truyo
migrations and
implementations

Your Go-To Legal Advisor in a Changing World.





In 2019, IntraEdge partnered with Intel to address the massive impact of established and emerging data privacy rights laws on the global business ecosystem. The result is Truyo.

IntraEdge, a preeminent technology services company founded in Phoenix in 2002, employs over 1,500 software engineers and support staff across 9 offices in 4 countries providing support and resources to more than 200 fortune 500 customers and SMB enterprises.

IntraEdge is renowned for;

- Supporting corporate technology teams to achieve stretch goals
- Incubating product companies where it sees clear market demand (Truyo and Learn)
- Expertise in technology innovation
- Deep experience in building SaaS and PaaS solutions
- Domain Expertise: finance, retail, education, and transportation / logistics
- International scope and reach with 3 offices in the USA and 3 offices internationally

A few of our customers



intel
partner Gold
IoT
Solutions



Agenda

Introduction

Why You Should Self-Certify

EU-US Data Privacy Framework Overview

Steps to Compliance

Assessment Overview

DPF Overlap with Other Assessments

Framework Enforcement

PRESS RELEASE

U.S. Departments of Justice and Commerce and the European Commission Reaffirm Shared Values, Welcome Finalized EU-U.S. Data Privacy Framework

Monday, July 17, 2023

Share >

Attorney General Merrick B. Garland, European Commissioner for Justice today marking the European Union Privacy Framework (DPF).

Third Time's the Charm? "Privacy Shield 2.0" Emerges as EU Approves New Data Transfer Deal with the United States

10 July 2023 | Innovative Technology Insights | Blog
Author(s): Samuel D. Goldstick



Why Should You Self-Certify?

- Brand & reputation
- Privacy Shield legacy
- Foundation to combat legal challenges
- Client and consumer expectations
- If you're already certified through Privacy Shield there's no question you should
- Certifying now will provide material legal benefits

What are the pros and cons of joining DPF?

Pros:

- No Transfer Impact Assessment required! Exporter (i.e., customer/vendor/affiliate) comfort
- Optics for public and business partners
- Incentive for regulators/agencies to ensure DPF is not invalidated.
- Reduced contractual obligations
- Easy if already under Privacy Shield
- May avoid EU regulatory oversight

Cons:

- Not available to companies who cannot be subject to the FTC or DOT (banks, nonprofits, telecom)
- Subjects companies to oversight by Dept. of Commerce and FTC
- Must implement additional independent recourse mechanisms
- Logistical issues if primarily relying on SCCs

Framework Overview

- Provides EU, UK & Swiss consumers rights (access, correction, deletion).
- Organizations that maintained certification under Privacy Shield may begin relying immediately on the DPF.
- Must inform consumers about data processing.
- Provide free & accessible dispute resolution.
- Maintain data integrity and purpose limitation.
- Ensure accountability for third-party data transfers.
- Transparency in enforcement actions.



Steps to Certification

- **Determine Scope:** HR *and* Non-HR Data?
- **Collect Documentation:**
 - Information Security Policy
 - Internal Privacy Policy
 - Data Subject Rights Policy / Guidelines *and* communication template(s)
 - Consent Management Policy / Guidelines – how are changes in consent tracked and managed?
 - Data Processing Agreements
 - Internal Privacy Notice (HR-only)
 - RoPA/Data Mapping Process (optional)
- **Conduct DPF Assessment**
- **Update Website Privacy Notice(s)** by October
- **Self-Certification Attestation** through the ITA portal



Assessment Overview

- Analysis of the company's use and treatment of personal data, and the access and recourse mechanisms provided to individuals.
- Aligned to:
 - 7 DPF Principles:
 - Notice
 - Choice
 - Accountability for Onward Transfer
 - Security
 - Data Integrity and Purpose Limitation
 - Access
 - Recourse, Enforcement and Liability
 - 16 Supplemental Principles that explain and augment the core 7.



Overlap with Other Assessments & Requirements

- **Has equivalencies with GDPR, CPRA, & CPA**
 1. Maintaining Website Privacy Notice(s)
 2. Managing and tracking consent
 3. Fulfilling Data Subject Rights Requests
 4. Taking reasonable and appropriate measures to protect personal data from *"loss, misuse and unauthorized access, disclosure, alteration and destruction"*
 5. Purpose limitation and data minimization
 6. Restrictions on data transfer, vendor management





EU-US DPF Timeline & Possible European Division

- When will final rules be available?
- When should you start certification?
- What about the UK and Switzerland?
 - The UK is likely to be encompassed.
 - Could Switzerland go their own way?
- Do you see this affecting other adequacy decisions?

Monitoring & Enforcement

- European Data Protection Board (EDPB) welcomed DPF's "substantial improvements."
 - European Commission will continuously monitor developments in the US and conduct periodic reviews
- FTC and DOT commitment to enforcement - penalties of up to \$50,120 per violation.
- Withdrawal process:
 - Withdrawal or Failure to Re-Certify Questionnaire
 - Retain, Return or Delete Data
 - Annual \$200 fee to use previously transferred data



Summary

Decide if now is the time to certify for your organization

If you do decide to certify, begin reviewing privacy operations and documentation

Keep your program up to date - compliance will be enforced

Help is available - consider a consultant

THANK YOU

To our speakers and to all of you in the virtual audience!

- The presentation and the recording will be sent to all registrants following the broadcast.
- Visit the link posted in the chat to schedule a demo of our EU-US DPF Framework Assessment Tool.
- Reach out to hello@truyo.com with questions about white-glove certification assistance.



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