Epic fails and good practices in the quest for GDPR compliance

by Cristina DeLisle, XWiki SAS

A few words about me @ XWiki SAS

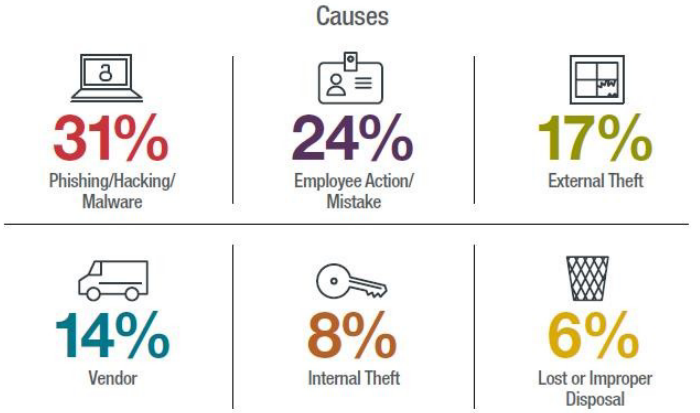
- **DPO of XWiki SAS**, an Open Source company
- **XWiki & Cryptpad**: Open Source projects
- **Our privacy compliance journey**

Transversal impacts of the GDPR

- **Legal and compliance governance:** privacy strategies, accountability, lawfulness, policy making, auditing
- **Data collection and lifecycle:** purpose limitation, data minimization, transparency
- **Tech:** data breaches handling, encryption solutions, privacy by design & default

Epicly failing to comply: areas of biggest fines so far

- **Coerced consent** from data subjects
- **Data security areas:**
  - Leaks
  - Breaches of confidentiality, availability, integrity
- **Cyber Attacks**



63,437 security incidents[1]

1,367 confirmed data breaches[1]

1 in **3** documented data breaches occurred in businesses with under 100 employees[2]

60% of small businesses close their doors within half -a-year of being victimized by a "cybercrime"[3]

Article 42 EU GDPR "Certification"

The Member States, the supervisory authorities, the Board and the Commission ***shall encourage****, in particular at Union level, the establishment of data protection* ***certification mechanisms*** *and of data protection* ***seals and marks****, for the purpose of* ***demonstrating compliance*** *with this Regulation of processing operations by controllers and processors.* ***The specific needs of micro, small and medium-sized enterprises shall be taken into account.***

Standardization (so far) only as a best practice

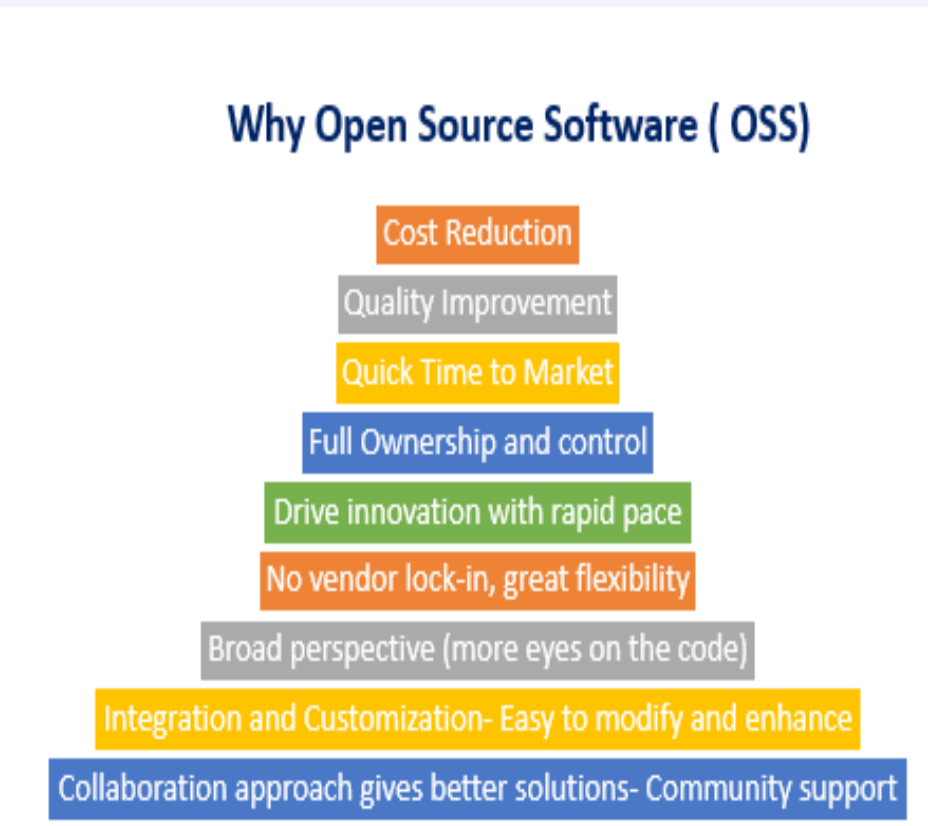
- **ISS & data protection:** procedures, products, management systems, organizations, individuals
- **FLSC**
- **Certification under French decree No. 2002-535**
- **ISO-27001**
- **ISS certification of individuals:** CISSP, CISM, ISO 27001 Lead Auditor, IAPP
- International standards, guides published by institutions: **CNIL, ANSSI**

Tools / Further readings

- **General Security Framework (RGS)**: "Adapting ISS to the issues at stake", "Using products and providers awarded with security certification", "Efforts commensurate with ISS stakes"
- **RGS and the associated appendices**: "Acknowledging registration and acknowledging receipt"
- Catalogues of products recognized by **ANSSI**
- **ANSSI SSI Maturity** and **ANSSI GISSIP guides**

OSS & the GDPR

- **OSS Licences**: LGPL, MIT, Apache etc.
- **Control of the downloaded OSS**: data to the people
- **The community & the infrastructure provider**
- **Cloud computing** hosting company compliance
- **Extraterritoriality** of the GDPR



OSS & the GDPR

- **OSS governance is by default:**
  - Transparent
  - Privacy oriented: for the people, by the people
  - Facilitating meritocracy

- **OSS innovation & privacy**
  - Decentralization
  - Federation networks
  - Zero knowledge collaboration software

Feel free to contact me!

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- **XWiki POSS 2018 stand**