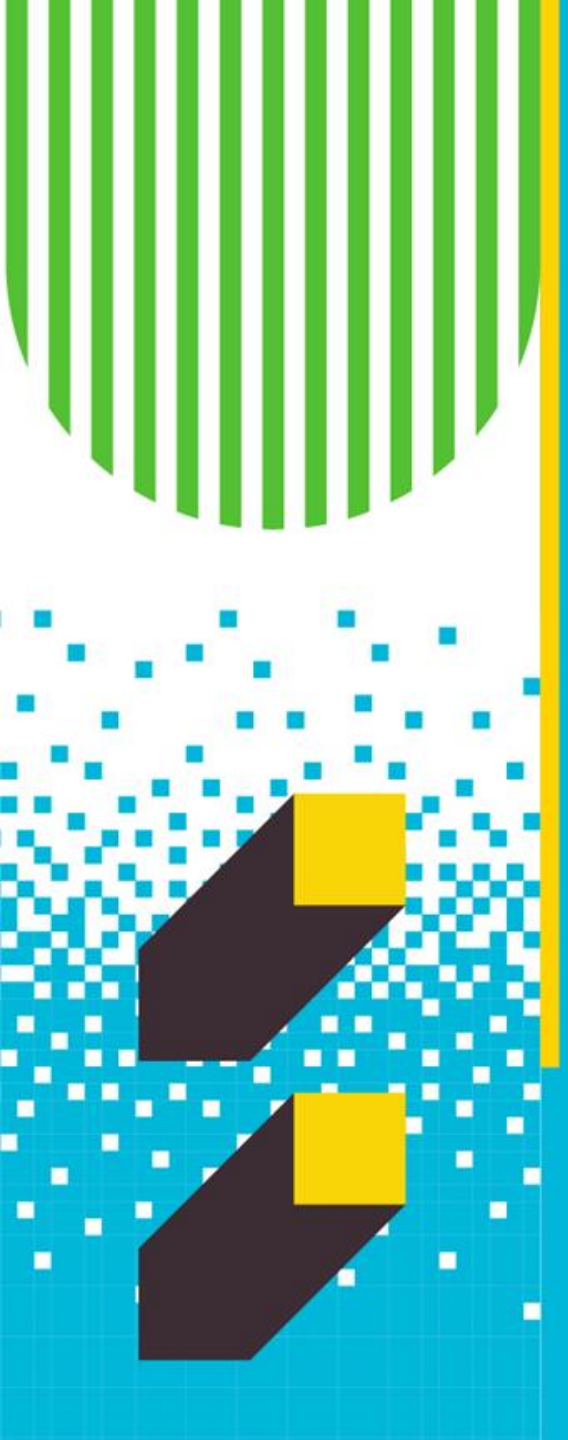

IAPP **Privacy. Security. Risk. 2025**

Training 28-29 October

Workshops 29 October

Conference 30-31 October

SAN DIEGO

#PSR25

Always On: Building Privacy Programs for a World of Constant Risk

WELCOME AND INTRODUCTIONS

Val Ilchenko
General Counsel and Chief Privacy Officer
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AGENDA OUTLINE

I. Session Outline
II. Welcome and Introductions
III. Val Ilchenko – Solid Foundation
IV. Scott Lashway - Regulatory and Litigation Drivers
V. Beatrice Botti – Being a Change Agent
VI. Questions and Answers
VII. Closing Remarks

Solid Foundation

Establish a Baseline

What
Individuals/Data Subjects, Types of Data

Where
Data and Individuals are Located

Why
Purpose and Reasons for Processing Data

How
Data Will Be Handled and Protected

Which
Laws, Rules, Obligations Apply, Approach

Privacy Program Approach

Holistic "North Star" Privacy Program	Law-by-Law "Rules-Based"
Driven by a clear holistic approach and overarching ethical principles.	Driven by individual legal mandates in each jurisdiction.
Unified/Consolidated Framework	Patchwork-Style Framework
Cohesive, global approach integrating trust and accountability.	Disconnected efforts across regions and laws.
Strategic and vision-driven	tactical and reactive
Long-term orientation aligned with corporate values and risk appetite.	Short-term compliance responses to new regulations.
Integrated & Cross-Functional	Siloed & Jurisdictional
Built into operations, products, and culture.	Managed separately by region, function, or law.
Ethics- and Trust-Centered	Compliance-Centered
Embeds "privacy by design."	Focuses on "privacy by obligation."

Practical Considerations

Connect
Learn the key stakeholders/players

Observe
Watch how teams work

Learn
Talk with people, inventory, and assess

Plan
Roadmap your program implementation

Influence
Awareness, education, policies

Build
Accountability, enforcement, buy-in

Maintain
Rinse. Repeat. Ensure consistency

Mature
Continuous improvement

Driving Privacy: Litigation and Regulatory Considerations

Litigation and Regulatory Drivers

Wiretap/interception litigation

The plaintiff's bar continues to bring wiretap and interception lawsuits over website collection technologies.

Access to federal courts

Federal courts continue to struggle with what is a sufficient injury to bring suit in federal court. In Holmes v. Elephant Insurance Co.*, 4th Cir. Oct. 14, 2025, the Fourth Circuit held that posting driver's license numbers on the dark web, without more, is an Article III injury.*

Litigation and Regulatory Drivers

The Changing Role of Internal Governance

The U.S. Supreme Court's decision in Van Buren v. United States, *593 U.S. 374 (2021), eliminated criminal CFAA liability for permitted access for an impermissible purpose.*
In NRA Group LLC v. Durenleau, *3d Cir. Oct. 7, 2025, the 3d Circuit eliminated civil CFAA liability for permitted access in violation of a company policy.This impacts how data can be collected and used for training LLMs, neural networks, and machine learning.*

Tort Duties

Changes to state privacy laws and breach notification laws are leading courts to reconsider what duties a company may owe to data subjects whose data it holds.

A World of Constant AI Legal News: Are You and Is Privacy Keeping Pace?

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA et al.,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 20-cv-3010 (APM)

STATE OF COLORA

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Much has changed since the end of the liability trial, though some things have not. Google is still the dominant firm in the relevant product markets. No existing rival has wrested market share from Google. And no new competitor has entered the market. But artificial intelligence technologies, particularly generative AI ("GenAI"), may yet prove to be game changers. Today, tens of millions of people use GenAI chatbots, like ChatGPT, Perplexity, and Claude, to gather information that they previously sought through internet search. These GenAI chatbots are not yet close to replacing GSEs, but the industry expects that developers will continue to add features to GenAI products to perform more like GSEs.

Being a ‘Change Agent’ in a Constantly Changing Privacy World

Privacy Culture

Culture isn’t defined by maturity —

it’s driven by enthusiasm.

A positive, strong, and engaging privacy culture can transform your privacy program — sparking curiosity, driving participation, and fostering a sense of ownership across teams. When people feel invested, they become active champions rather than passive participants.”

How can a strong privacy culture accelerate a young privacy program?

- **Acts as your eyes and ears** — helping surface risks, opportunities, and feedback early.
- **Guides growth** — enables you to identify and prioritize the areas that matter most.
- **Builds continuity** — values and practices are passed seamlessly from one "generation" of employees to the next.
- **Outlasts training** — culture embeds behaviors that remain long after a session ends.
- **Prepares the soil for success** — as the program matures, it grows in an environment ready to sustain it.

Can you create culture?

You can nurture culture — but you can’t impose it.

Like the *Field of Dreams* of compliance: if you build it with care, people will come. Now it’s your turn to channel your inner Kevin Costner.

Forget the noise — here's where to begin

What really matters:

- Who your company is — its values and culture.
- What your privacy program stands for — its identity and mission.
- Where you're headed — your goals and long-term vision.
- Who you're building for — the everyday employee experience.

Things that don't matter:

- The maturity of your privacy program
- The size of your privacy team
- The budget (or lack thereof) for privacy initiatives
- Whether you have event-planning, design experience, etc. — none of that defines success

What will your "*field of dreams*" look like?

Educational & Informational – lay foundational knowledge

- **Privacy Lunch & Learns:** Short, informal sessions on real-world privacy topics or new regulations.
- **"Ask Me Anything" sessions:** Have the CPO or privacy counsel answer questions live — demystifies the team's work.
- **Privacy Office Hours:** Monthly drop-in sessions where employees can bring questions or discuss scenarios.
- **Privacy Pop Quiz:** Quick, gamified questions in newsletters or Slack — prizes for correct answers.
- **Microlearning series:** Two-minute videos or bite-sized infographics focusing on one privacy concept each time.

What will your "*field of dreams*" look like?

Culture & Celebration – to build enthusiasm and connection

- **Celebrate Data Protection Day (January 28):** Host themed trivia, quizzes, or interactive booths — highlight your company's privacy milestones.
- **Privacy Appreciation Week:** Feature daily tips, stories, or shoutouts to teams that demonstrate good privacy practices.
- **"Privacy Heroes" recognition program:** Spotlight employees who exemplify privacy-first behavior.
- **Company-wide Privacy Bingo:** Fun game using real examples like "encrypted data," "used a DPA," or "deleted old files."
- **Privacy Swag Day:** Stickers, mugs, or digital badges with witty slogans ("Keep Calm and Encrypt On").

What will your "*field of dreams*" look like?

Creative & Experimental – Think outside the box!

- **Privacy Movie Night:** Screen films with privacy themes (e.g., *The Circle*, *Citizenfour*, *Minority Report*, *Her*) followed by informal discussion.
- **Phishing Costume Prank:** CPO/CISO dressing up as a phishing email — a funny and teachable moment.
- **Escape Room Challenge:** Teams solve clues related to data protection and information security.
- **"Spot the Phish" challenge:** Interactive competition in Slack or email simulating phishing attempts.
- **"Privacy Mythbusters" pop-up:** Debunk common misconceptions through quick skits or posters.

What will your "*field of dreams*" look like?

Collaborative & Cross-functional – Create stronger teams

- **Privacy Champions Program:** Train ambassadors in each department to act as local advocates.
- **Cross-team hackathons:** Challenge teams to design a "privacy by design" feature or improve transparency UX.
- **Privacy Idea Board:** Let employees submit creative ideas to enhance privacy practices — and reward implementation.
- **Joint CPO–CISO Fireside Chat:** Showcase collaboration between privacy and security leadership.

What will your "*field of dreams*" look like?

Storytelling & Engagement – Make it about more than work

- **"Privacy Moments" newsletter series:** Share real-world stories of privacy wins or close calls.
- **Employee spotlight interviews:** "How I protect data in my role" — builds relatability and ownership.
- **Story-based internal campaigns:** Create narratives ("A Day in the Life of Data") to show impact.
- **"What about my privacy?":** Create sessions for employees to ask questions or learn how to protect their privacy in their personal lives, including their children's privacy
- **Privacy Book Club:** From Franz Kafka to George Orwell, there's no shortage of classics or modern books to read together and learn from.

RESOURCE LIST

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How Did Things Go?
(We Really Want To Know)

Did you enjoy this session? Is there any way we could make it better? Let us know by filling out a speaker evaluation.

1. Open the IAPP Events app.
2. Select **IAPP Privacy. Security. Risk. 2025**
3. Tap "Schedule" on the bottom navigation bar.
4. Find this session. Click "Rate this Session" within the description.
5. Once you've answered all three questions, tap "Done".

Thank you!