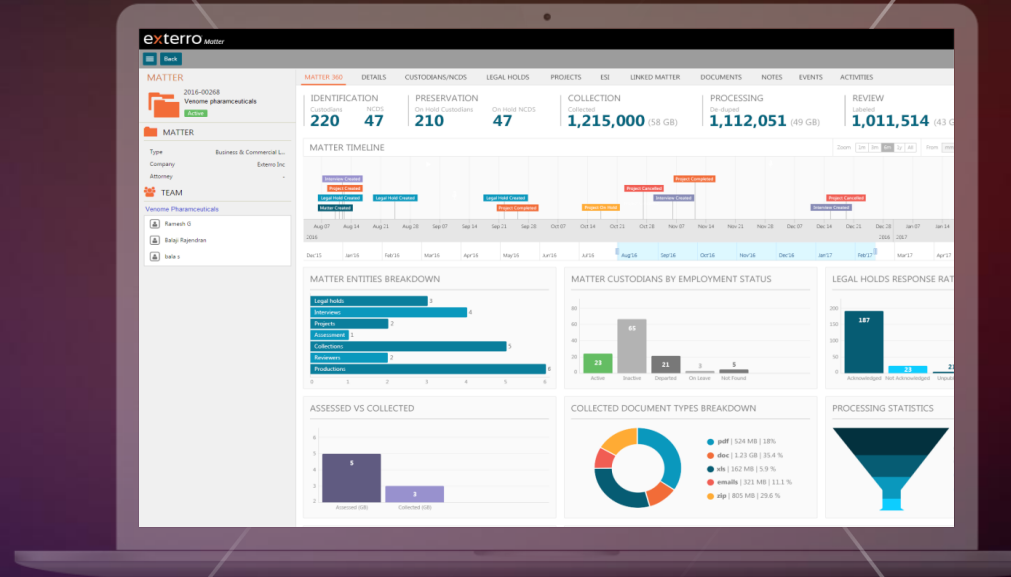




# Data Deletion Jeopardy: Minimizing Risk in a Data- Driven World

PRESENTED BY:

The Exterro Team



# Introductions



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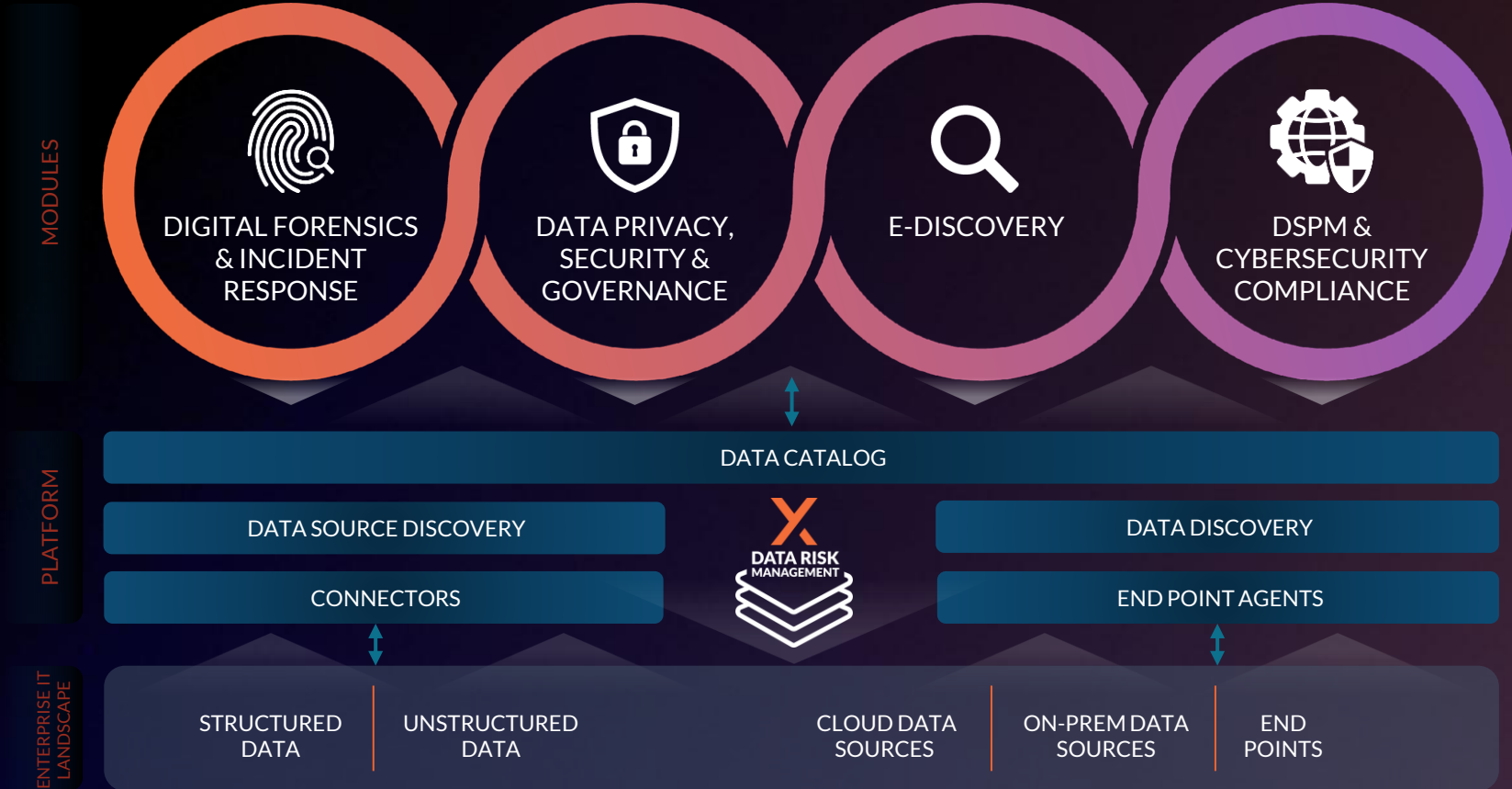
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# Exterro Data Risk Management Platform



# DATA PRIVACY, SECURITY & GOVERNANCE SUITE

PRODUCTS



Assessments  
Manager



Data  
Retention



RoPA  
Manager



Consent &  
Preference  
Management



Data Subject  
Rights Manager

PLATFORM

DATA CATALOG

DATA SOURCE DISCOVERY



DATA DISCOVERY

CONNECTORS

END POINT AGENTS

ENTERPRISE IT  
LANDSCAPE

STRUCTURED  
DATA

UNSTRUCTURED  
DATA

CLOUD DATA  
SOURCES

ON-PREM DATA  
SOURCES

END  
POINTS

# Program Outline

- Legal Landscape
- In-House Perspective
- Data Deletion Solutions



# Legal Landsacpe



## DATA DELETION JEOPARDY

IN-HOUSE PRACTICES	REGULATORY PERSPECTIVE	LEGAL LANDSCAPE	DATA DELETION SOLUTIONS	PRIVACY BY DESIGN	DATA GOVERNANCE 101
\$100	\$100	\$100	\$100	\$100	\$100
\$200	\$200	\$200	\$200	\$200	\$200
\$300	\$300	\$300	\$300	\$300	\$300
\$400	\$400	\$400	\$400	\$400	\$400
\$500	\$500	\$500	\$500	\$500	\$500



LEGAL LANDSCAPE · \$100

# The CCPA

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# Data Minimization Under CCPA

- The CCPA provides in California Civil Code § 1798.100(c) that "A business' collection, use, retention and sharing of a consumer's personal information shall be reasonably necessary and proportionate to achieve the purposes for which the personal information was collected or processed, or for another disclosed purpose that is compatible with the context in which the personal information was collected and not further processed in a manner that is incompatible with those purposes."
- Pursuant to the CCPA regulations § 7002 a business may also process personal information for a purpose it was not collected for, and that is not compatible with the collection context, if it obtains consumer consent. But even if consent is obtained, the processing must be reasonably necessary and proportionate for the intended purpose.
- The California Privacy Protection Agency issued an "enforcement advisory" 2 April, signaling the data minimization requirement will be enforced against businesses subject to the CCPA.



# Opting In and Out of Sensitive Personal Information Processing under the CCPA

## ☒ ☐ Your Privacy Choices



Opt in to maximize data processing



Right to opt out from (certain) inferences



Most protective to avoid making inferences based on sensitive personal information and limiting processing to what is reasonably necessary and proportionate



So long as processing of sensitive personal information is necessary to provide something the consumer has requested neither opt in nor opt out requirements should be triggered.



## DATA DELETION JEOPARDY

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\$300	\$300	\$300	\$300	\$300	\$300
\$400	\$400	\$400	\$400	\$400	\$400
\$500	\$500	\$500	\$500	\$500	\$500

LEGAL LANDSCAPE · \$200

# Article 5(1)(c) of the GDPR

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# Data Minimization Under GDPR

- Data minimization requirements have applied in Europe since the 1970s
- The GDPR's data minimization principle states personal data shall be "adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed," but does not define those terms.
- The prevention of workplace accidents and gathering of evidence does not justify continuous video surveillance of employee workstations and that the personal data generated by the surveillance is neither appropriate nor relevant (CNIL).
- Today, with the exponential development of AI and the need for large amounts of data to train AI models, the data minimization principle as set forth under the GDPR is under tension. The EU AI Act, adopted by the European Parliament in March 2024 expressly refers to data minimization in Recital 69.



# Three non-obvious practical tips:

- Name "system stewards," in line with emerging data privacy and AI assessment requirements.
- Consider calling out categories of service providers and third parties in privacy notices or otherwise making their involvement clear. The CCPA regulations state that the degree to which service providers and third parties are involved should be apparent to the data subject to show data minimization is respected.
- Make data flows efficient. A less discussed data minimization element from EDPB guidelines is that data flows should be made efficient so as not to create more copies of data than necessary.



## DATA DELETION JEOPARDY

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\$200	\$200	\$200	\$200	\$200	\$200
\$300	\$300	\$300	\$300	\$300	\$300
\$400	\$400	\$400	\$400	\$400	\$400
\$500	\$500	\$500	\$500	\$500	\$500



IN-HOUSE PRACTICES **\$100**

# Data Retention Policy

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## DATA DELETION JEOPARDY

IN-HOUSE PRACTICES	REGULATORY PERSPECTIVE	LEGAL LANDSCAPE	DATA DELETION SOLUTIONS	PRIVACY BY DESIGN	DATA GOVERNANCE 101
\$100	\$100	\$100	\$100	\$100	\$100
\$200	\$200	\$200	\$200	\$200	\$200
\$300	\$300	\$300	\$300	\$300	\$300
\$400	\$400	\$400	\$400	\$400	\$400
\$500	\$500	\$500	\$500	\$500	\$500

IN-HOUSE PRACTICES · \$200

# Data Mapping

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## DATA DELETION JEOPARDY

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\$100	\$100	\$100	\$100	\$100	\$100
\$200	\$200	\$200	\$200	\$200	\$200
\$300	\$300	\$300	\$300	\$300	\$300
\$400	\$400	\$400	\$400	\$400	\$400
\$500	\$500	\$500	\$500	\$500	\$500

DATA DELETION SOLUTIONS- \$400

# Data Discovery

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# Conclusion and Q&A



# Questions?



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