

## Best Practices for Building & Enforcing Global Retention Schedules

*Wednesday, 13 March*

*08:00-09:00 PST*

*11:00-12:00 EST*

*17:00-18:00 CET*

# Welcome!



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# Today's Agenda

1. Importance of Tackling the Over-Retention of Data  
(Key Findings from the 2024 ACC Chief Legal Officers Report)
2. 4 Keys to Building an Actionable Global Retention & Deletion Strategy
3. Deliver Value Across Your Organization





# The Importance of Developing Actionable Global Retention Schedules

2024

# ACC CHIEF LEGAL OFFICERS SURVEY

ACC Association of  
Corporate Counsel

exterro

*Created in collaboration with* **exterro**<sup>®</sup>

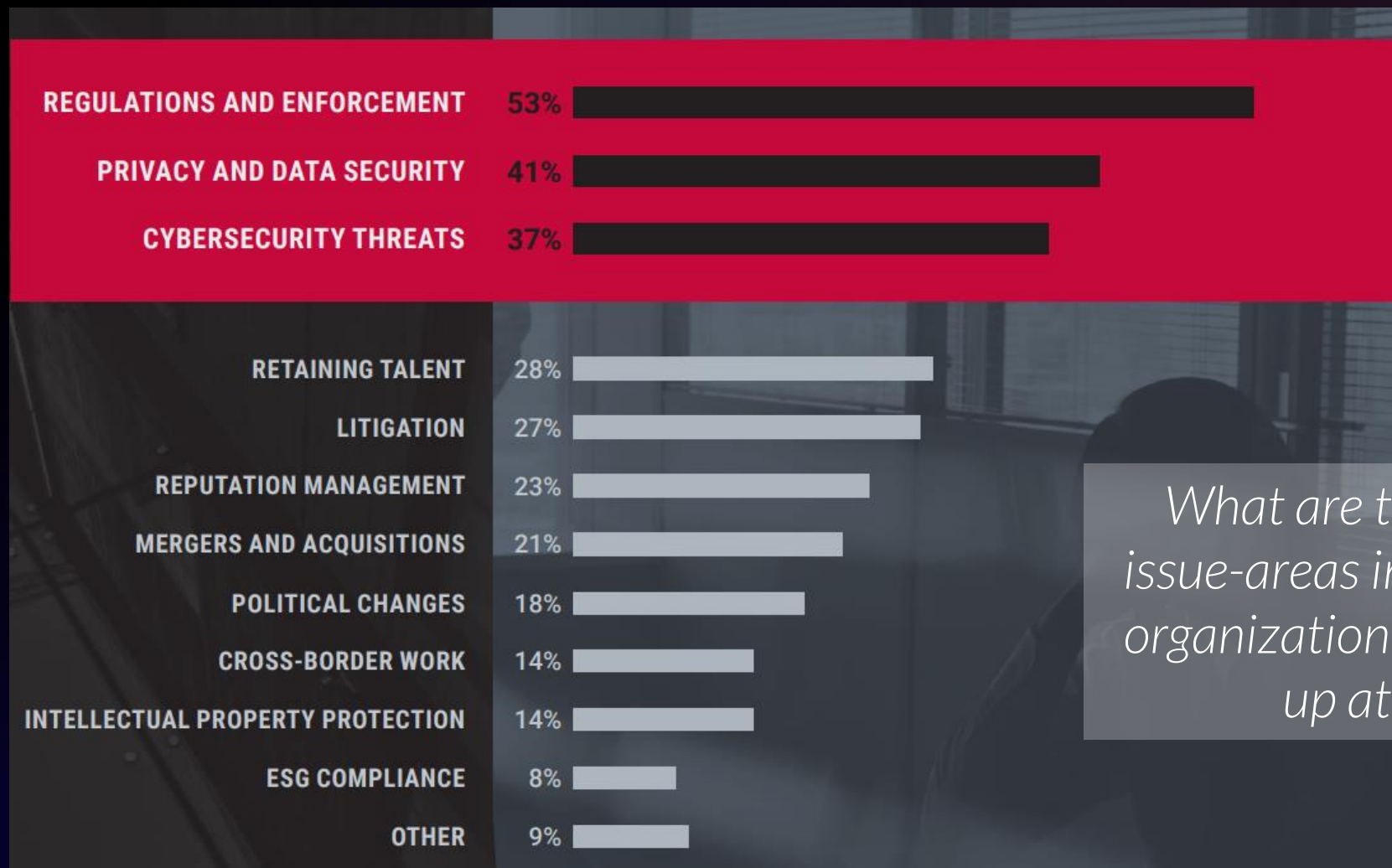
669 Chief Legal Officers/General Counsel

Across 20 Industries

31 Countries



# Most Important Issues to CLOs Revolve Around Data Risks

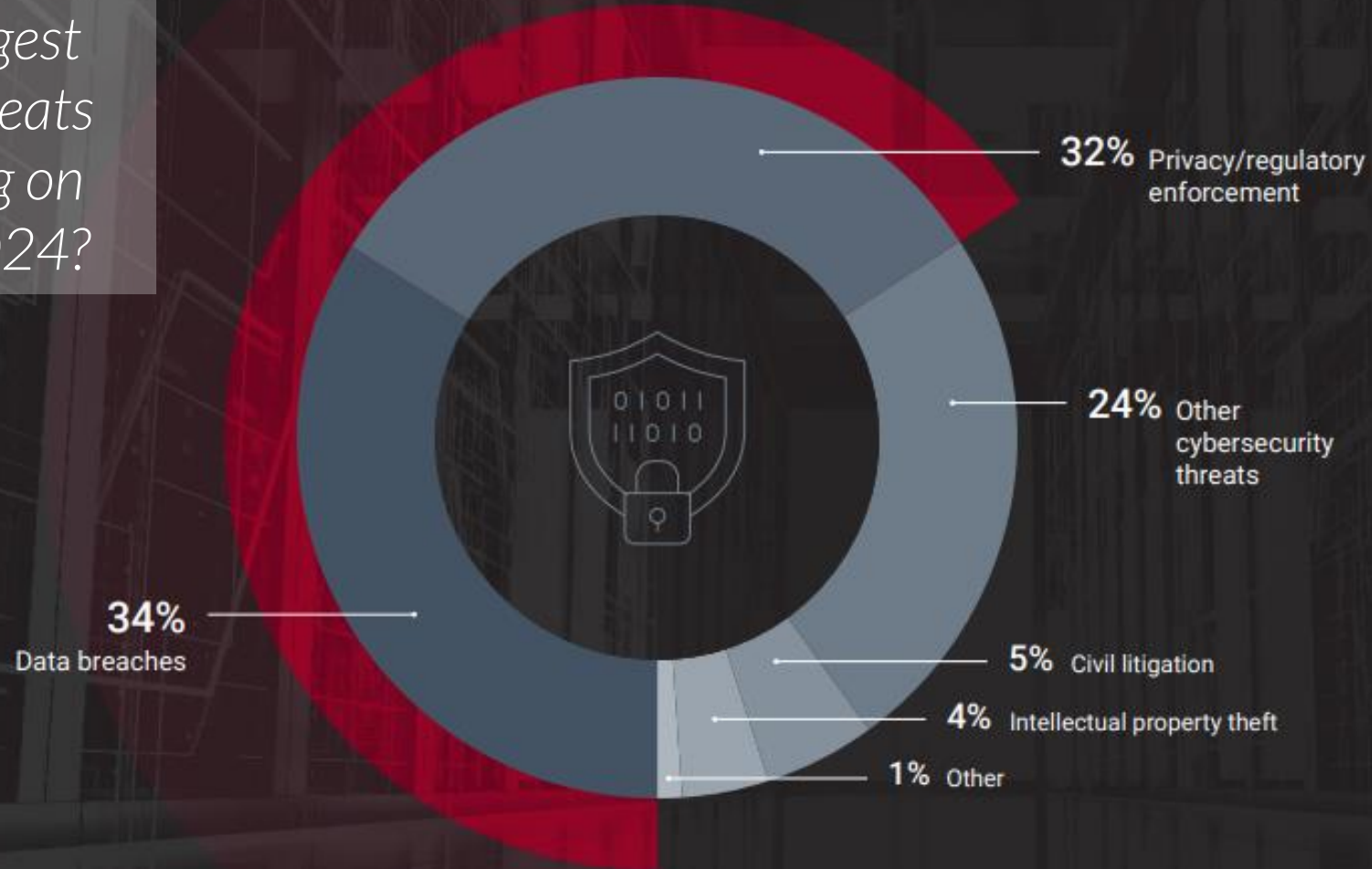


*What are the top three issue-areas impacting your organization that keep you up at night?*



# CLOs Focused on Mitigating Breaches & Privacy Enforcement Actions

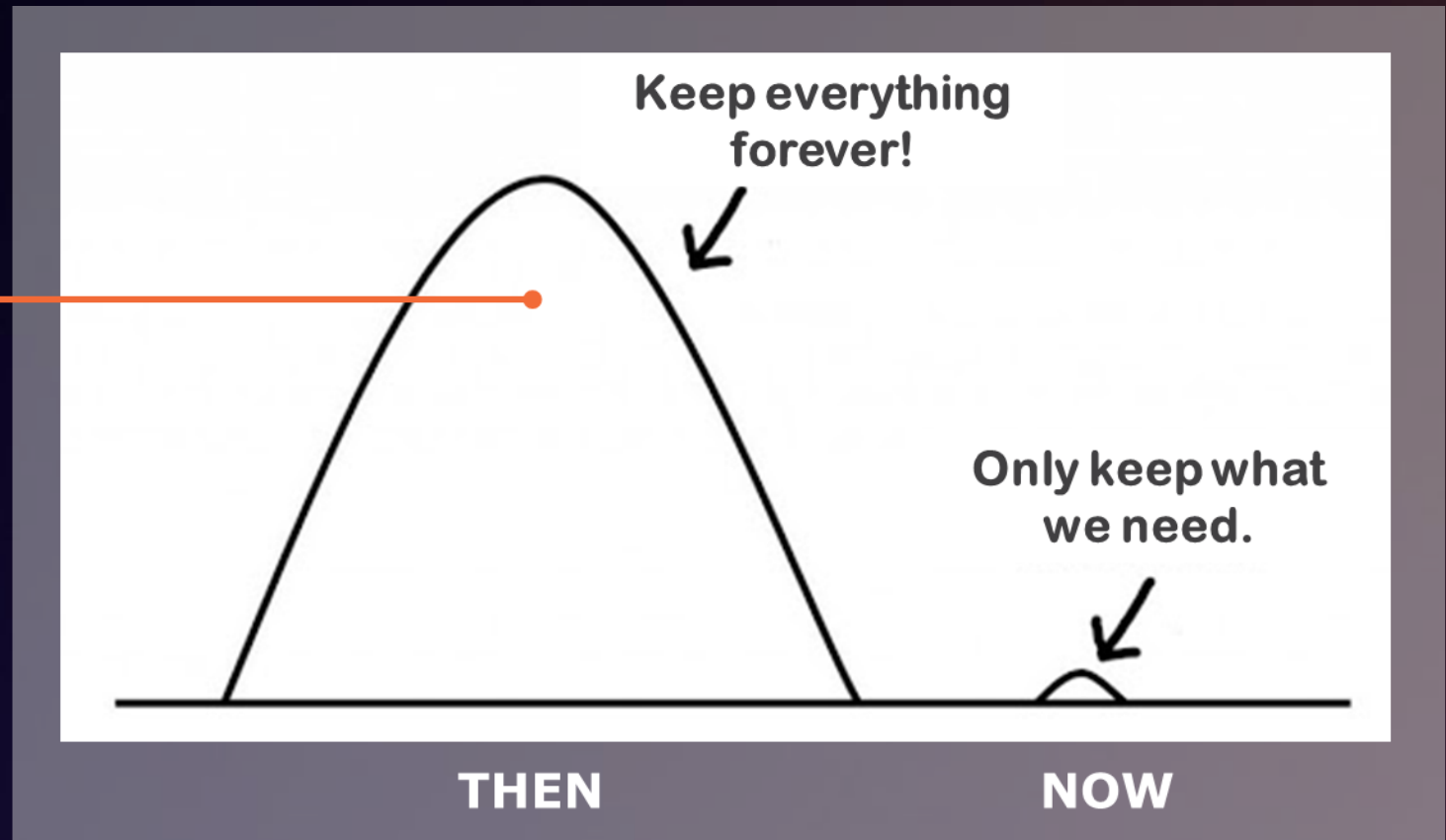
*What is the biggest data-related threats you are focusing on mitigating in 2024?*



# Over-Retaining Personal Data is a Liability!

## KEY RISKS:

- Data Breach
- Ransomware Attack
- Enforcement Action
- Litigation
- Class Action
- Consumer Requests





# Data Retention Obligations Under Privacy Regulations



- Transparency / Notice
- Data Minimization
- Purpose Limitation
- Storage Limitation



# Common Data Minimization Principles

## General Data Protection Regulation (GDPR)

GDPR Article 5(1)(e) – “Personal data shall be kept in a form which permits identification of data subjects **for no longer than is necessary** for the purposes for which the personal data are processed”

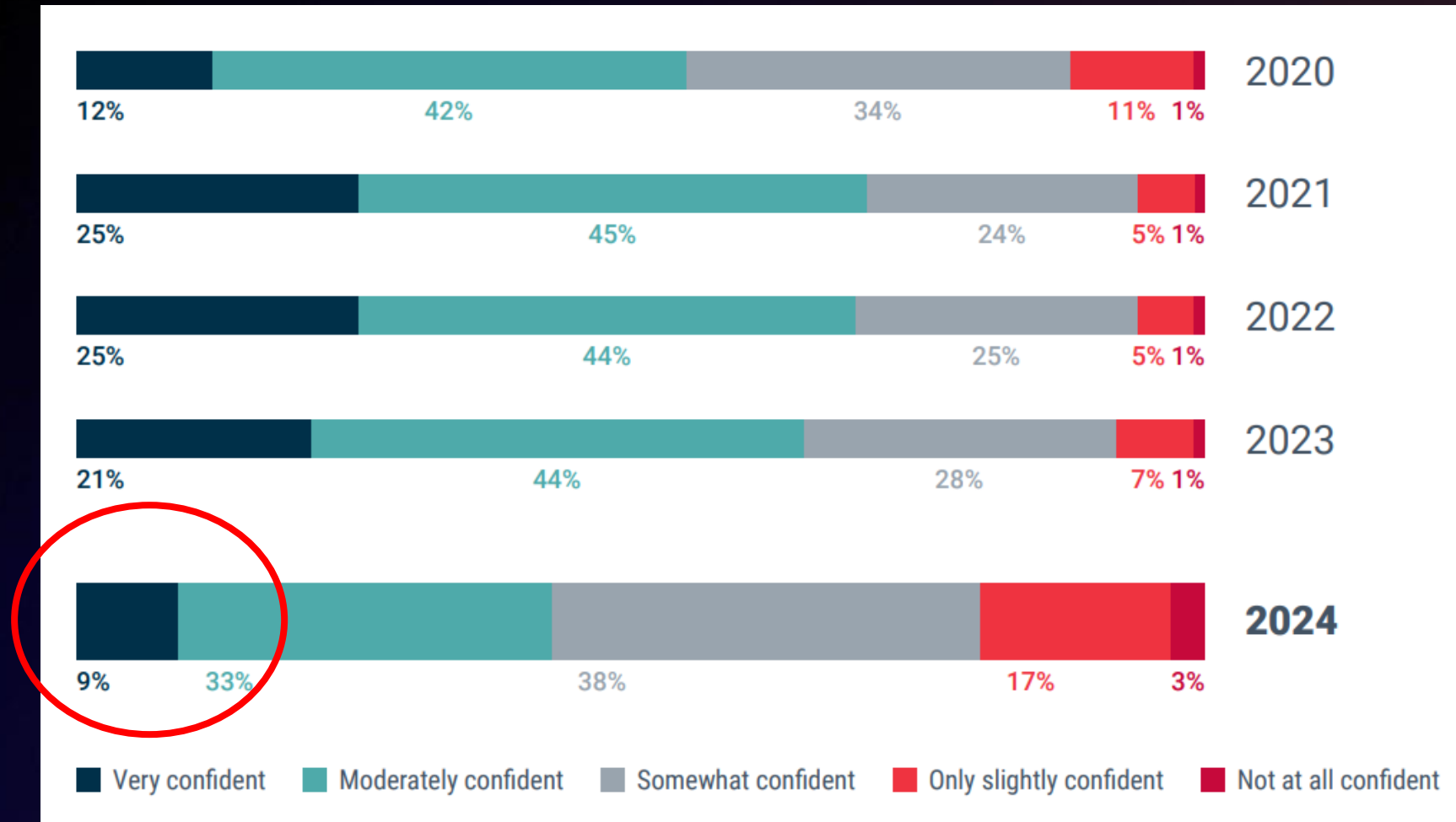
GDPR Article 13(2)(a) – requires disclosure of “...**the period** for which the personal data will be stored, or if that is not possible, **the criteria** used to determine that period”


## California Consumer Privacy Act (CCPA)

CCPA § 1798.100(c) – “...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....”

CCPA § 1798.100(a) – At or before the point of collection, businesses must inform consumers either: (A) **the length of time** the business intends to retain each category of personal information; or (B) **the criteria** used to determine the retention period

# Fewer CLOs are Confident in their Ability to Mitigate Emerging Data Risks





# Best Practices for Building, Implementing & Enforcing a Robust Global Retention Schedule

# STEP 1: DATA INVENTORY





















## The Five W's:

- What do we have?
- Where do we have it?
- Who has access to it?
- When must we dispose of it?
- Why do we have it?



# Connect Retention Obligations to Your Data Inventory

## PROCESSING ACTIVITY: HR - ONBOARDING

DATA SUBJECTS	 Dependents/Beneficiaries   Employees – Current   Employees – Former   Prospects
APPLICABILITY	
PERSONAL DATA	Social Security #   Drivers' License #   Biometric Identifier   Aptitudes   Bank Routing #   Military Status   Certifications
COLLECTION	 Scan  Email  Web Application  Paper
APPLICATIONS	  
DEPARTMENTS	 Employee Benefits   Employee Training   Facilities & Distribution   Plant Operations   Marketing   Payroll
LOCATIONS	    Laptops  File Cabinets
THIRD PARTIES	   
RETENTION	Drug Screening Records Employee Document Submissions Payroll Records Background Checks  AUT 7 Years  BEL 5 Years  NLD 5 Years  ITA 5 Years  USA 7 Years
PURPOSE	Provide Employee Benefits & Process Payroll





## STEP 2: ACTIONABLE RETENTION SCHEDULE



- Global Retention Regulations
- Business & Legal Considerations
- Retention Risk Report
  - Gaps
  - Risks
  - Priorities



# Evaluating Global Retention Considerations

Benefit Enrollment & Participation Records	Reported Retention -(9), 0(7), 1(1), 2(3), 5(1), PERM(9)														
		AUT 7	BEL 10	BGR 50	CHE 10	CZE 10	DEU 6	DNK 10	ESP 15	EST -	FIN 10	FRA 5	GBR 6	HUN 5	IRL 6
		 USA 6	 ISL 7	 ITA 10	 LIE 30	 LTU -	 LUX 30	 LVA -	 NLD 5	 NOR 10	 POL 10	 PRT 20	 ROU 10	 SVK 3	 SW 10
Employee Medical Records	Reported Retention -(8), 0(4), 1(2), 4(1), 5(5), 7(3), 10(3), PERM(16)														
		AUT 40	BEL 15	BGR 10	CHE 30	CZE 40	DEU 10	DNK 10	ESP 40	EST -	FIN 40	FRA 50	GBR 40	HUN 10	IRL 40
		 USA 5	 ISL 40	 ITA 40	 LIE 10	 LTU 40	 LUX 10	 LVA 40	 NLD 15	 NOR 60	 POL 20	 PRT 10	 ROU 40	 SVK 5	 SW 10
Employment Equality Compliance Records	Reported Retention -(1), 0(1), 2(1), PERM(2)														
		AUT 25	BEL 10	BGR 5	CHE 10	CZE 3	DEU 10	DNK 10	ESP 15	EST 3	FIN 10	FRA 5	GBR 6	HUN 5	IRL 6
		 USA 10	 ISL 4	 ITA 10	 LIE 30	 LTU 10	 LUX 30	 LVA 10	 NLD 5	 NOR 10	 POL 10	 PRT 20	 ROU 10	 SVK 3	 SW 3

# STEP 3: OPERATIONAL CAPACITY

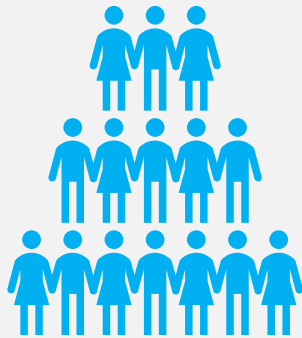


- Harmonize with Legal Holds
- Integrate with Privacy Notices
- Develop Implementation Roadmap
- Focus on Priorities & Quick Wins
- Get Business Buy In / Training
- Leverage Automation



# Approaches to Applying Retention Rules

## Manual Approach



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Departmental  
Employees

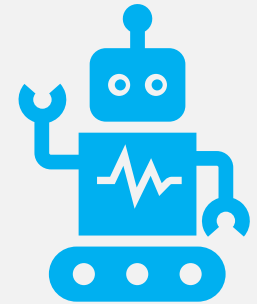
## Traditional Key-Word Searching & Scanning



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IG & IT  
Teams

## AI Machine Learning



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IG, Technology & Employees  
Working Together



# Retention & Deletion Strategy

Retention Rules for Records

Retention Rules for ROT

Retention Rules for Data



discover



monitor



remediate



automate

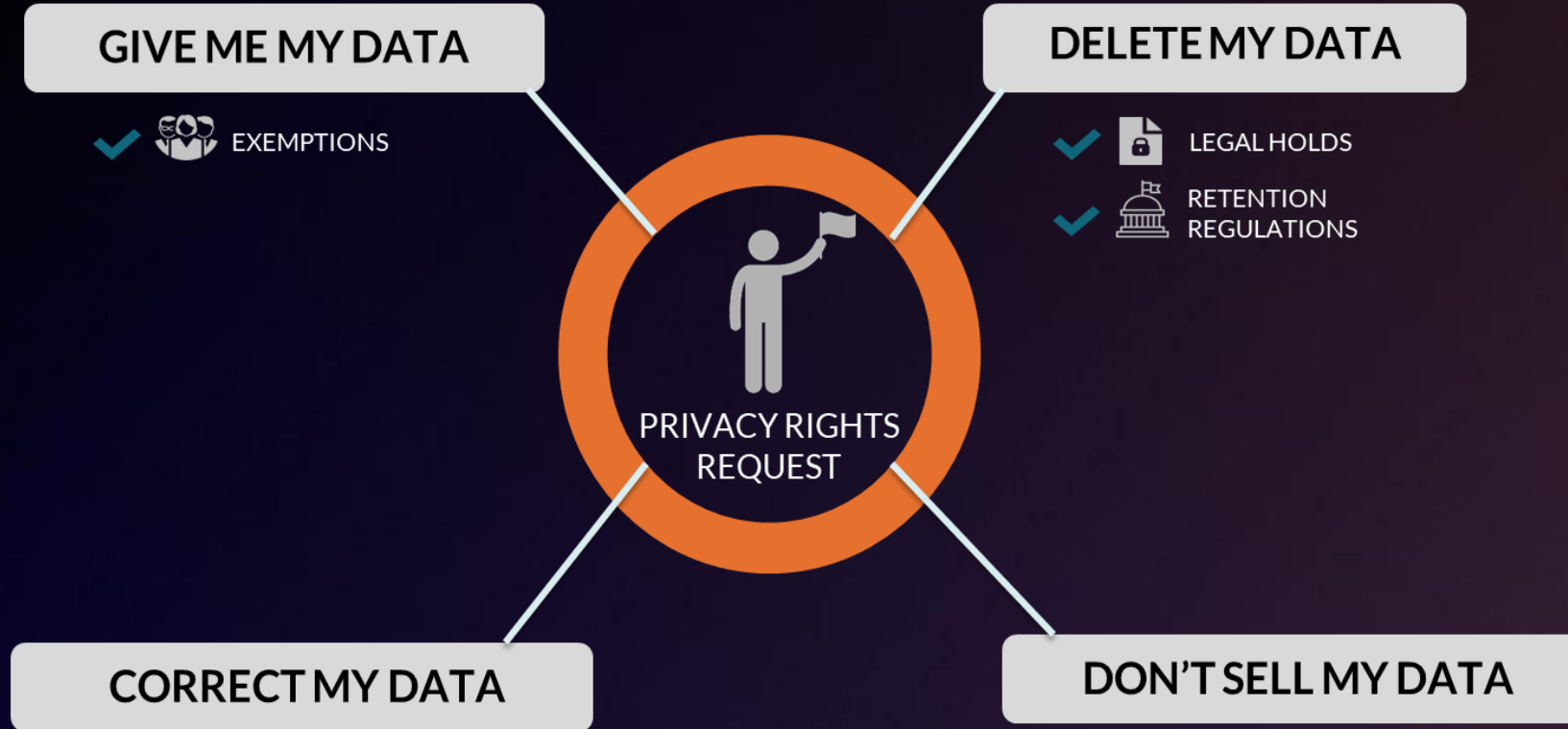


# Harmonize with Legal Holds





# Harmonize with Consumer Rights Requests



Right to appeal or lodge a complaint.



# STEP 4: ONGOING PROGRAM MANAGEMENT

- Executive Support
- Budget
- Program Automation
- KPIs & Objectives
- Data Inventory Updates
- Retention Schedule Updates





Deliver Value Across Your  
Organization

# Protect Your Company's Legal & Financial Interests



Reduce Risk of  
Litigation and Fines



Reduce Impact & Cost  
of a Data Breach



Free Up  
Resources



Reduce Spend on  
Law Firms & Consultants



Reduce  
Storage Costs



Reduce Cyber  
Insurance Premiums



# Questions?



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