

RAZOR

#corpgov
#law
#integrity

CONSULTING



Corporate governance and data protection

Amcham, August 5, 2019

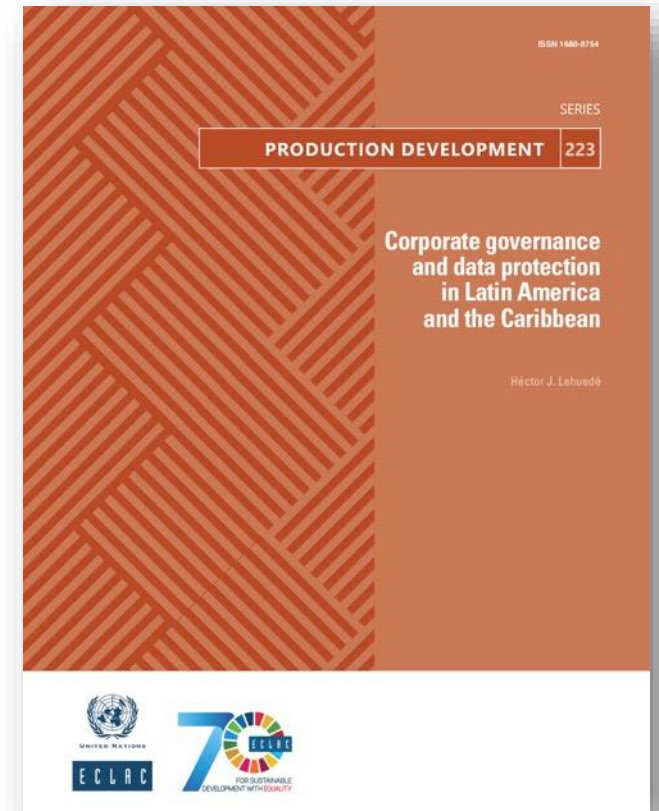
Héctor J. Lehuedé

hlehuede@razorconsulting.cl

Data protection & corporate governance

- In recent years (particularly after the entry into force of the GDPR in May 2018), data protection became an important concern for boards and top management:

- Extraterritorial application
- Data protection policy
- Privacy by design
- Consent requirements
- Material risk disclosure
- Accountability principle
- DPIAs
- DPOs
- Fines



Corporate Governance and Data Protection
in Latin America and the Caribbean
June 2019 - ECLAC Production Development

Data protection & corporate governance

- Data Security versus Data Privacy:

- Data Privacy: people's right to protect their private and family life, home and correspondence as private and off limits, except when laws or contracts says otherwise.
- Data Security: the practices and systems of data storage and processing of personally identifiable or identifying data for the protection of privacy.



While **Data Security** is concerned about securing data against unauthorized access, **Data Privacy** is concerned with who has and grants access to that data, and what for.

Data protection & corporate governance

- **Data Governance:**
 - **Policy:** focus on the quality, integrity, and trustworthiness of data, and the confidentiality and privacy of personal data, as a business objective
 - **Processes:** ensure compliance with policies with standardized automated or manual procedures to accomplish tasks (such as correcting data as requested by a data subject) and the technologies that are used to carry out the operations
 - **People:** the organizational leadership, the IT and security implementers, the data stakeholders, and all the stewards are the drivers of both policy and processes, and the technologies used to implement them

Data protection in Latam

- Landscape in Latam varies widely in terms of governance requirements as in terms of the development of frameworks

Selection of data protection measures related to corporate governance

	Argentina	Brazil *	Chile	Colombia	Mexico	Peru	Uruguay
Mandatory DPOs	exceptionally	✗	✗	✓	✓	exceptionally	✓
Mandatory DPIAs	✓	✗	✗	recommended	✓	✗	✓
Accountability	✗	✗	✗	✓	✗	✗	✓

Note: Brazil has adopted some of these measures under the new law that will enter into force in 2020 and Chile has included some of them in the bill of law currently in Congress.

Data protection in Latam

- And it is particularly diverse with respect to limitations to international transfers of personal data within the region

Authorization for international transfers of personal data

From: To:	Argentina	Brazil	Chile	Colombia	Mexico	Peru	Uruguay
Argentina	✓	✓	✓	✓	✓	✓	✓
Brazil	✗	✓	✓	✗	✓	✓	✗
Chile	✗	✓	✓	✗	✓	✓	✗
Colombia	✗	✓	✓	✓	✓	✓	✗
Mexico	✗	✓	✓	✓	✓	✓	✗
Peru	✗	✓	✓	✓	✓	✓	✗
Uruguay	✓	✓	✓	✓	✓	✓	✓

RAZOR

#corpgov
#law
#integrity

CONSULTING



Thank you for your attention

Corporate governance and data protection

Amcham, August 5, 2019

Héctor J. Lehuedé

hlehuede@razorconsulting.cl