



# Data Protection for Financial Firms:

## A Practical Guide to Managing Privacy and Information Risk

Edited by Tim Gough

The past decade has seen an explosion in the volume of data collected and processed by financial firms. At the same time, a series of high-profile cases have shown how data losses or thefts can inflict lasting reputational damage on the owner of the data. Increased regulation, heightened public awareness and a litigious environment add to the pressure on the emerging discipline of privacy risk management.

This book provides the reader with the tools to successfully build and maintain an effective data protection regime, which complies with legislation, combats threats and adds value to the business. Practitioner-oriented chapters written by leading industry experts show you how to:

- create a culture of awareness of data protection
- implement data privacy standards
- handle subject access requests
- deal with privacy breaches
- comply with legal requirements regarding marketing
- train staff to comply with data legislation
- manage data transfer – in outsourcing and sharing scenarios

Containing many useful features such as templates for data sharing and risk assessment and flowcharts for dealing with subject access requests, *Data Protection for Financial Firms* is an essential purchase for privacy practitioners, auditors, lawyers, compliance professionals and consultants in the financial sector.

### **Chapter 1** is *An Introduction to Data Protection* by **Bridget Treacy**.

The first chapter is an introduction that sets the scene for the book, exploring the main concepts and themes that will be discussed in greater detail in subsequent chapters. It examines the history, rise and globalisation of data collection and processing, and the impact this has had on how businesses have developed information as an asset. It considers how data protection rights and responsibilities operate, with a focus on some of the data protection challenges faced by the financial services industry. The chapter then features a practical assessment of the main data protection issues and policies, especially for the UK legal framework such as the Data Protection Act 1998, the Privacy and Electronic Communications Regulations 2003 and the Telecommunications Regulations, and the eight data protection principles and how they should be complied with

Also by **Bridget Treacy** is **Chapter 4: *Data Breaches: Managing the Inevitable***

Chapter 4 defines and discusses direct marketing. It explores the legal constraints on the use of direct marketing within the context of the main rules and regulations, especially the Data Protection Act. It sets out the key data protection principles, and examines the legal implications of the Privacy and Electronic Communications Regulations in relation to subscribers, telephone marketing, electronic marketing, fax marketing, cookies and e-mail tracking. There is also an overview of issues regarding consent, partnerships and data sharing, the buying and selling of lists, the use of data processors, and guidance on the possible penalties that can result from misuse of direct marketing strategies.

**Bridget Treacy** leads the UK privacy and information management practice at Hunton & Williams. Her extensive experience of privacy law spans more than 10 years. Her practice includes all aspects of information management including online privacy issues and cloud computing, data breach, multi-jurisdictional compliance projects, and structuring international data transfers. In the latter context, Bridget advises on the use of Binding Corporate Rules, Model Clauses and Safe Harbor. She is recognised by Chambers as a Leading Individual in the data protection field. Bridget is the editor of specialist privacy journal *Privacy and Data Protection* and is a member of IAPP's European Advisory Board.