Drafting the NIST Privacy Framework: Workshop #2

Hosted by Georgia Tech

National Institute of Standards and Technology
U.S. Department of Commerce

Panel Discussion #1: Discussion Draft of the Framework with NIST

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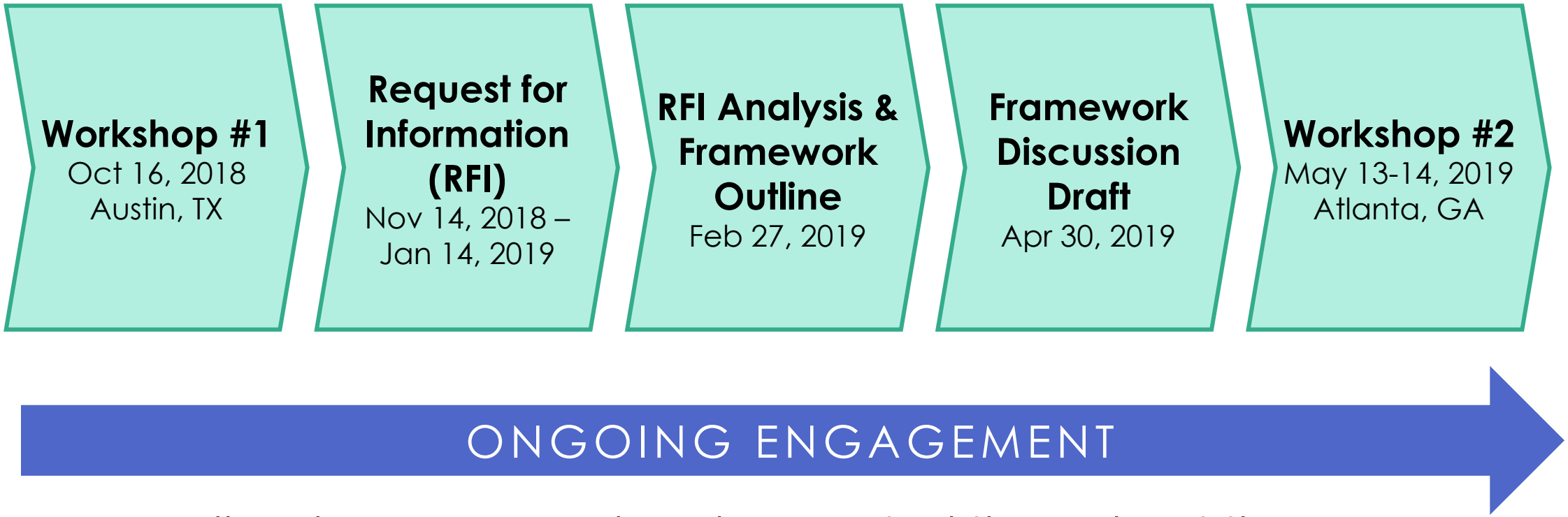
Workshop Objectives

- Understand organizational needs and challenges in managing privacy risk
- Listen to your feedback on the discussion draft
- Identify areas for improvement

Why NIST?

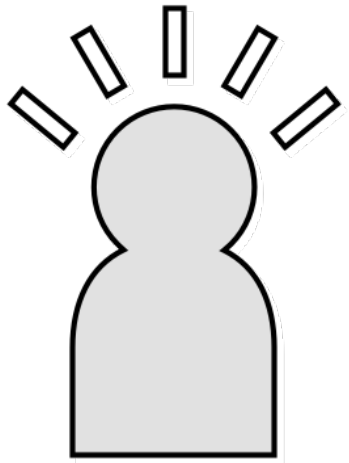
- Long track record of successfully, collaboratively working with public and private sectors
- Experience developing the Cybersecurity Framework
- Extensive privacy expertise

Process to Date



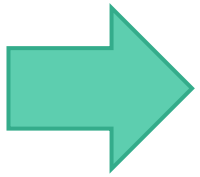
Feedback encouraged and promoted throughout the process

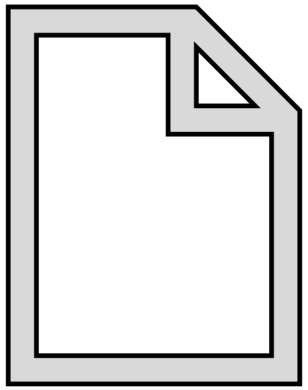
NIST Privacy Framework: What is it?



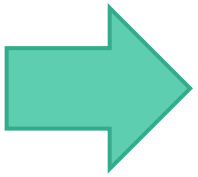
Attributes:

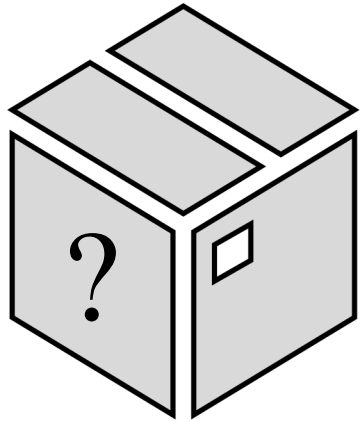
- voluntary
- risk- & outcome-based
- non-prescriptive
- accessible language
- adaptable
- compatible with legal regimes





Enterprise risk management tool to help organizations answer the fundamental question: "How are we considering the privacy impacts to individuals as we develop our systems, products, and services?"

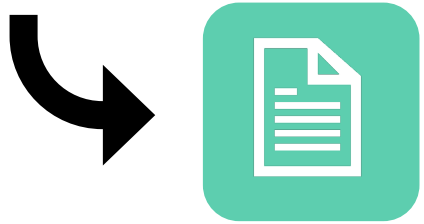




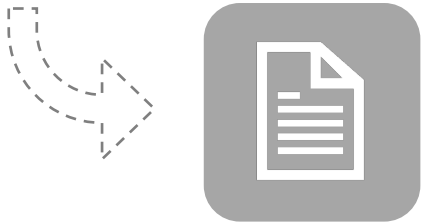
future state:
NIST Privacy Framework version 1.0

Framework Development Stages

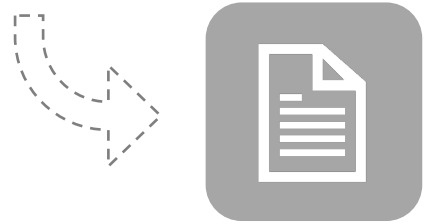
Working Outline – February 2019



Discussion Draft – April 2019



Preliminary Draft – Anticipated July/August 2019



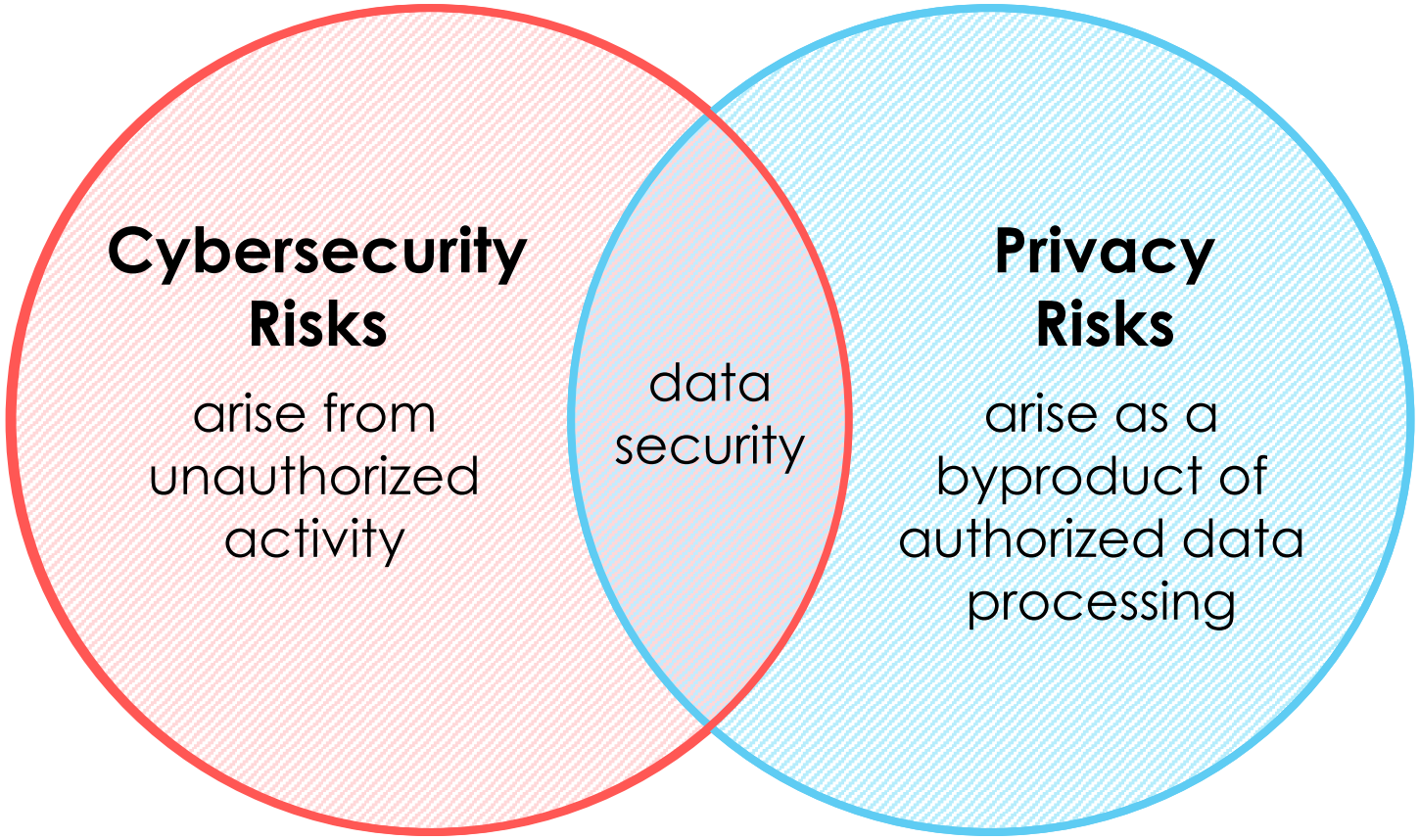
Version 1.0 – Anticipated October 2019

What We've Heard to Date

- Support for outcome/risk-based approach
- Need for a common language/communication tool
- Compatibility/interoperability with laws, regulations, standards
- Interest in more in-depth treatment of privacy risk management
- Support for alignment with the Cybersecurity Framework structure (Core, Profiles, Tiers)
- Support for proposed functions: Identify, Protect, Control, Inform, Respond

Review of NIST Privacy Framework Discussion Draft

Relationship Between Cybersecurity and Privacy Risk



Key Definitions

For the purposes of the Privacy Framework:

Data

A representation of information with the potential for adverse consequences for individuals when processed

Data Processing

Complete data life cycle, including but not limited to: collection, retention, logging, generation, transformation, use, disclosure, transfer, and disposal

Privacy Risk

The likelihood that individuals will experience problems resulting from data processing, and the impact should they occur

Relationship between Privacy Risk Management and Risk Assessment

Privacy risk assessments:

"…can help organizations make ethical decisions and avoid losses of trust that damage their reputations or slow adoption or cause abandonment of products and services."

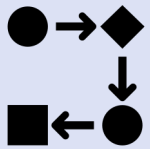
Appendix D: Key Privacy Risk Management Practices

Organizing Preparatory Resources

Determining Privacy Capabilities

Defining Privacy Requirements

Conducting Privacy Risk Assessments

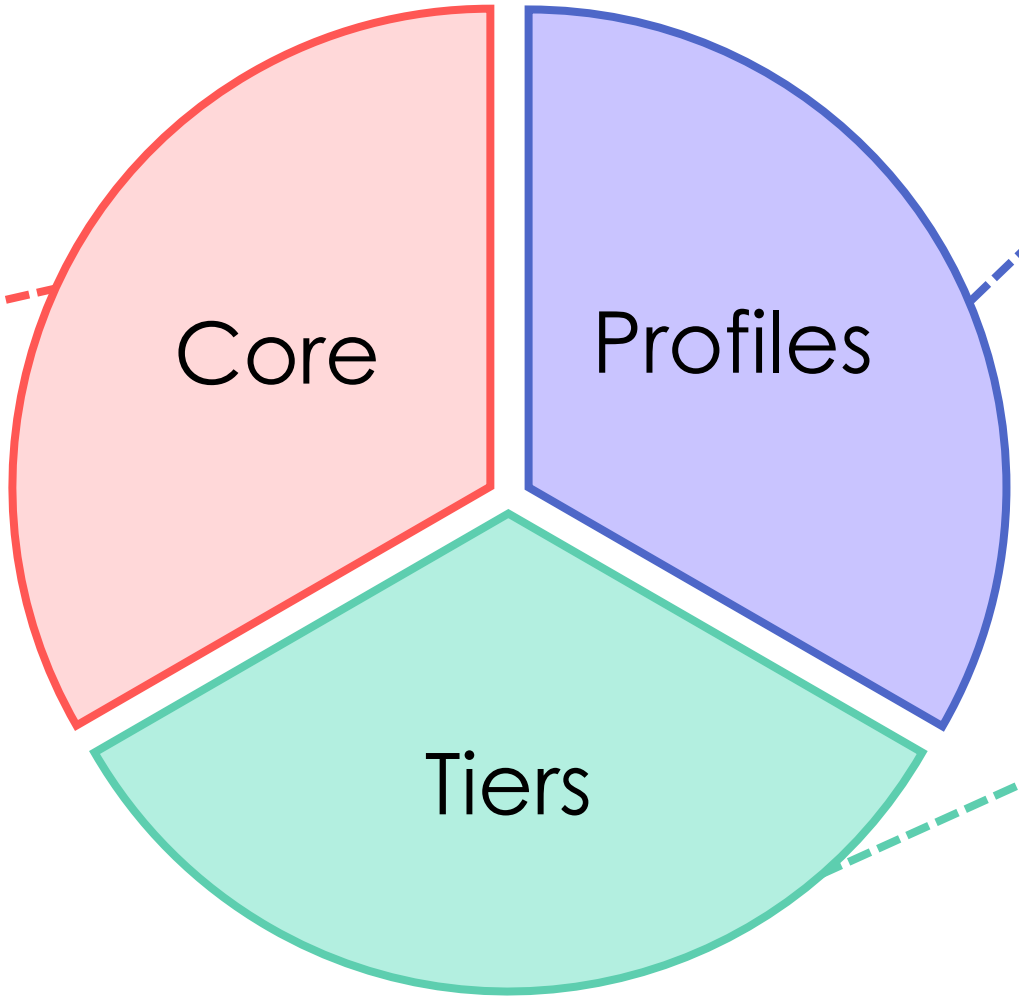


Creating Privacy Requirements Traceability

Monitoring Changing Privacy Risks

Privacy Framework Structure

a set of privacy protection activities & desired outcomes that enables communication across the organization

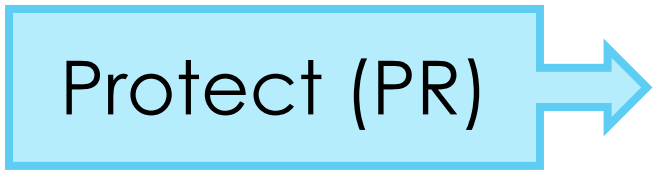


representation of the current and target privacy outcomes the organization is focused on

how an organization views privacy risk and whether it has adequate processes & resources in place to manage that risk

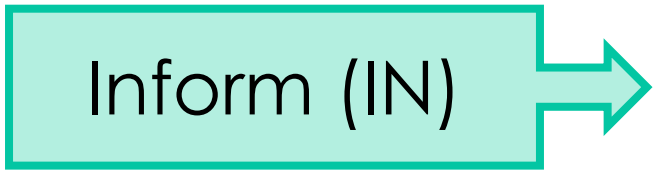
Core Functions

Develop the organizational understanding to manage privacy risk for individuals arising from data processing or their interactions with systems, products, or services.

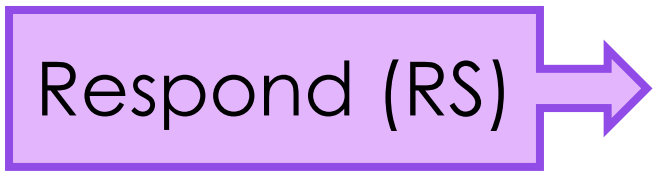


Develop and implement appropriate data processing safeguards.

Develop and implement appropriate activities to enable organizations or individuals to manage data with sufficient granularity to manage privacy risks.



Develop and implement appropriate activities to enable organizations and individuals to have a reliable understanding about how data are processed.



Develop and implement appropriate activities to take action regarding a privacy breach or event.

Example Core Categories

ID	Inventory and Mapping (ID.IM-P)	Data processing and individuals' interactions with systems, products, or services are understood and inform the management of privacy risk.
PR	Protected Processing (PR.PP-P)	Technical data processing solutions increase disassociability consistent with related policies, procedures, and agreements and the organization's risk strategy to protect individuals' privacy.
CT	Data Management (CT.DM-P)	Data are managed consistent with the organization's risk strategy to protect individuals' privacy and increase manageability.
IN	Data Processing Awareness (IN.AW-P)	Individuals and organizations have an awareness of data processing practices, and processes and procedures are used and maintained to increase predictability consistent with the organization's risk strategy to protect individuals' privacy.
RS	Redress (RS.RE-P)	Organizational response activities include processes or mechanisms to address impacts to individuals that arise from data processing.

Example Core Subcategories

ID	ID.IM-P	ID.IM-P6	Data processing is mapped, illustrating the processing of data elements by system components and their owner/operators, and interactions of individuals and organizations with the systems/products/services.
PR	PR.PP-P	PR.PP-P2	Data are processed to limit the identification of individuals.
CT	CT.DM-P	CT.DM-P6	Data elements can be accessed for deletion.
IN	IN.AW-P	IN.AW-P7	Data analytic inputs and outputs are understood and evaluated for bias.
RS	RS.RE-P	RS.RE-P1	Processes for receiving and responding to complaints, concerns, and questions from individuals about organizational privacy practices are in place.

Privacy Framework Profiles

organizational or industry sector goals

legal/regulatory requirements & industry best practices

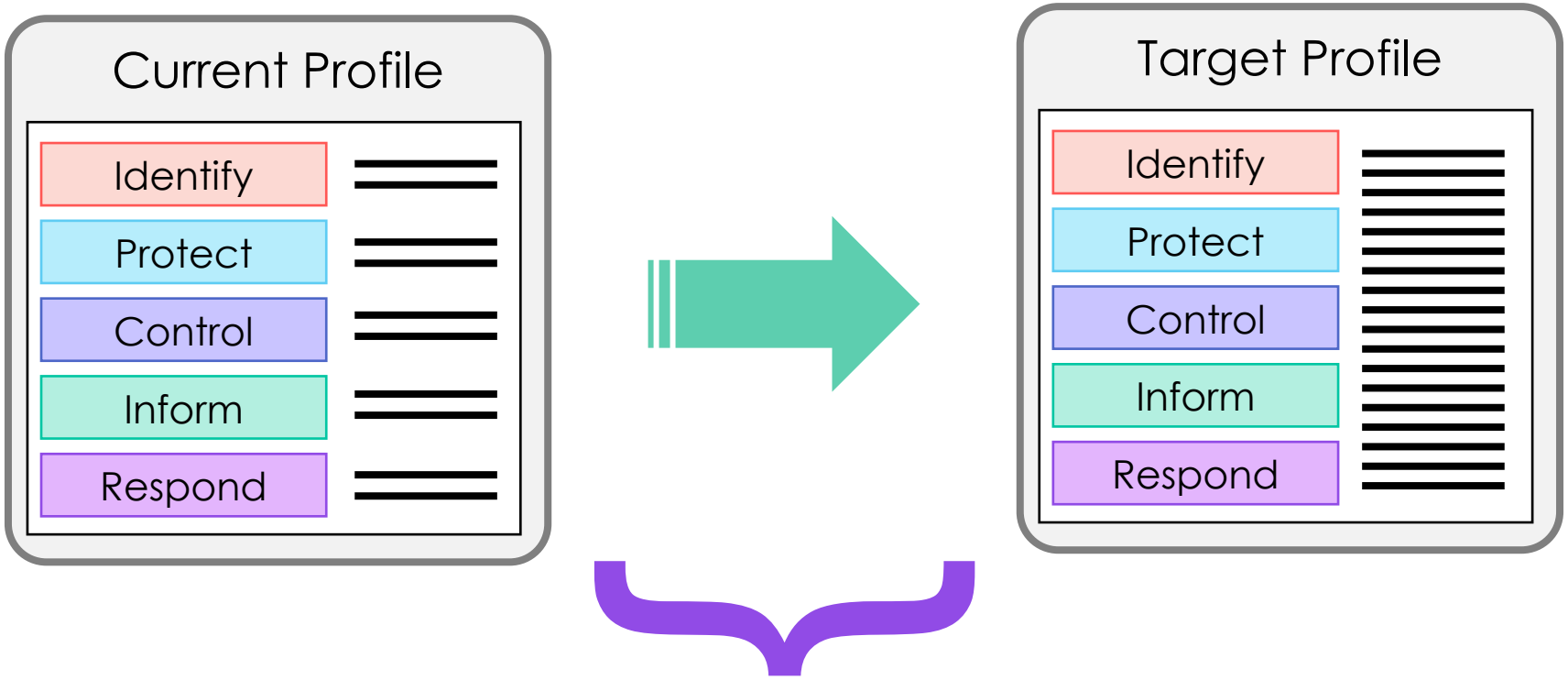
organization's risk management priorities

the privacy needs of individuals

Profile

- Identify
- Protect
- Control
- Inform
- Respond

Current and Target Profiles



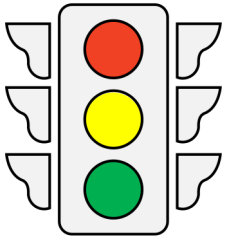
- identify gaps
- develop an action plan for improvement
- gauge the resources that would be needed (e.g., staffing, funding) to achieve privacy outcomes

Implementation Tiers

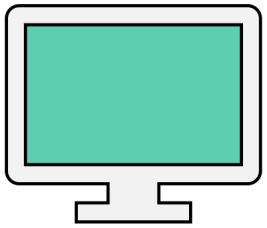
How to Use the Privacy Framework

Strengthening Accountability

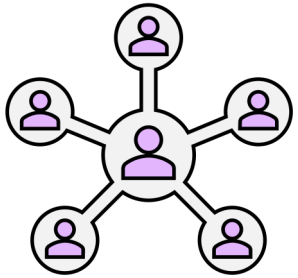
Basic Review of Privacy Practices



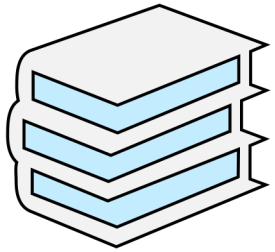
Establishing or Improving a Privacy Program



Application in the System Development Life Cycle



Communicating Privacy Requirements with Stakeholders



Informative References

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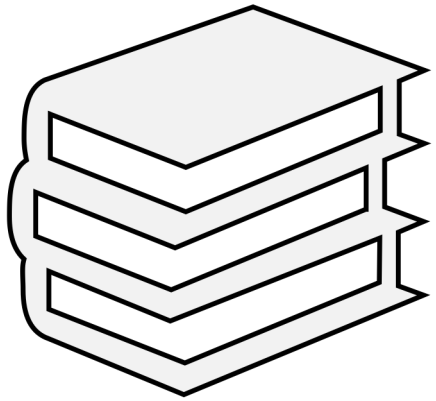

- Specific sections of standards, guidelines, and practices that can be mapped to the Core subcategories and support achievement of the subcategory outcomes
- NIST has provided a mapping of the Core subcategories to relevant NIST guidance
- NIST will develop a process for accepting external informative references

Roadmap

Resources

Website

https://nist.gov/privacyframework

Mailing List

https://groups.google.com/a/list.nist.gov/forum/#!forum/privacyframework

Contact Us

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