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

Donna Dodson  Chief Cybersecurity Advisor, NIST
Naomi Lefkovitz  Senior Privacy Policy Advisor, NIST
Adam Sedgewick  Senior IT Policy Advisor, NIST
Kevin Stine  Chief of the Applied Cybersecurity Division, NIST
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

Workshop #1
Oct 16, 2018
Austin, TX

Request for Information (RFI)
Nov 14, 2018 – Jan 14, 2019

RFI Analysis & Framework Outline
Feb 27, 2019

Framework Discussion Draft
Apr 30, 2019

Workshop #2
May 13-14, 2019
Atlanta, GA

ONGOING ENGAGEMENT

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

Cybersecurity Risks
- arise from unauthorized activity

Privacy Risks
- arise as a byproduct of authorized data processing

data security
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

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

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

Tiers:
- how an organization views privacy risk and whether it has adequate processes & resources in place to manage that risk
Core Functions

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

Protect (PR)
Develop and implement appropriate data processing safeguards.

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

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

Respond (RS)
Develop and implement appropriate activities to take action regarding a privacy breach or event.
<table>
<thead>
<tr>
<th>ID</th>
<th>Inventory and Mapping (ID.IM-P)</th>
<th>Data processing and individuals' interactions with systems, products, or services are understood and inform the management of privacy risk.</th>
</tr>
</thead>
<tbody>
<tr>
<td>PR</td>
<td>Protected Processing (PR.PP-P)</td>
<td>Technical data processing solutions increase disassociability consistent with related policies, procedures, and agreements and the organization’s risk strategy to protect individuals’ privacy.</td>
</tr>
<tr>
<td>CT</td>
<td>Data Management (CT.DM-P)</td>
<td>Data are managed consistent with the organization's risk strategy to protect individuals’ privacy and increase manageability.</td>
</tr>
<tr>
<td>IN</td>
<td>Data Processing Awareness (IN.AW-P)</td>
<td>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.</td>
</tr>
<tr>
<td>RS</td>
<td>Redress (RS.RE-P)</td>
<td>Organizational response activities include processes or mechanisms to address impacts to individuals that arise from data processing.</td>
</tr>
</tbody>
</table>
### Example Core Subcategories

<table>
<thead>
<tr>
<th>ID</th>
<th>ID.IM-P</th>
<th>ID.IM-P6</th>
</tr>
</thead>
<tbody>
<tr>
<td>PR</td>
<td>PR.MM-P</td>
<td>PR.MM-P2</td>
</tr>
<tr>
<td>CT</td>
<td>CT.MM-P</td>
<td>CT.MM-P6</td>
</tr>
<tr>
<td>IN</td>
<td>IN.MM-P</td>
<td>IN.MM-P7</td>
</tr>
<tr>
<td>RS</td>
<td>RS.MM-P</td>
<td>RS.MM-P1</td>
</tr>
</tbody>
</table>

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.

Data are processed to limit the identification of individuals.

Data elements can be accessed for deletion.

Data analytic inputs and outputs are understood and evaluated for bias.

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
- Protect
- Control
- Inform
- Respond

- Identify
- Protect
- Control
- Inform
- Respond

- 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

**Understanding Privacy Risks**
What are the privacy risks you need to manage as an organization?

**Resources and Processes**
Do you have the adequate resources and processes in place to manage these risks?

**Implementation Tiers**
1: Partial
2: Risk Informed
3: Repeatable
4: Adaptive

Where are you in terms of having resources and processes and where do you want to be?
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
Informative References

- 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/privacy
framework

Contact Us
PrivacyFramework@nist.gov
@NISTcyber #PrivacyFramework