

## GDPR Still a Top Concern, but Some Global Legal Departments Play the Waiting Game

The GDPR has caused no shortage of uncertainty, and some legal departments are playing it out by waiting it out, according to a new survey.

*Caroline Spiezio*

General Data Protection Regulation's looming May 2018 implementation date is front of mind for most global legal departments, a new survey finds. But the data says corporate legal leaders differ on how to handle the upcoming changes out of the EU.

FTI Consulting Inc.'s 2018 Advice from Counsel survey, released Wednesday, gathered responses from 30 in-house lawyers at Fortune 1000 corporations. It found nearly 80 percent of respondents' companies will be impacted by GDPR.

Some of those respondents are revving up to meet the changed standards as soon as possible, while others are waiting to see how the rules will be enforced



### GDPR-EU General Data Protection Regulation

before making any major, costly overhauls in data storage.

Jake Frazier, senior managing director within FTI Technology

and head of its information governance, privacy and security practice, said this hesitation is spread among companies

at all levels of preparedness, from those who already have advanced (non-GDPR) data solutions to those that have never examined their data collection and storage methods. But the second group has more work to do to get to full compliance.

"It can look pretty daunting and companies think, 'Oh we're going to have to re-engineer everything about our company's infrastructure, we can't do that in a short amount of time,'" Frazier said. "It's more [the companies] have to see what's going on, what types of violations are enforced, to try to prioritize where to start. It's really the enforcement will help with prioritization."

Companies with European operations are also debating whether or not the sometimes pricey changes needed for GDPR compliance are worth meeting proactively. It can still be a big and uncertain investment, Frazier says, though they may be more prepared than counterparts elsewhere.

"If you look at the companies we talked to that are multinational, those that have

significant European operations tend to be ahead of the game because if you look at GDPR, it just codifies the existing principles that were already laws in those states," he said. "So for them it's a little easier to transition because culturally it's been part of the fabric."

Regardless of where a company stands GDPR-wise—or if it will even be impacted—Frazier says it's important that all businesses begin thinking about their data strategies.

In the survey, respondents also cautioned against letting GDPR steal the data privacy show. Countries around the world, including China, Mexico and Australia, also have similar data privacy regulations.

"Companies will have to have a privacy framework that can accommodate jurisdictions and privacy laws into processes," Frazier said. "[That's] a principle that should apply globally, given that we're going to see more and more focus on privacy."

The study also found that many companies are creating and saving too much data, and don't know how to solve the problem. Frazier notes that

some could be over-saving unknowingly—a cloud storage system could be holding onto company data even after the corporation has stopped using its service.

Respondents said it's important for in-house teams to figure out what data they actually need and, if possible, invest in data remediation.

Frazier said he'd advise GCs to make friends with the CIO to find out more about IT and data storage.

"As long as the lawyer promises not to have a knee-jerk reaction, all kinds of good business happens and can help in negotiations with cloud contractors. Determine what data is and isn't on hold," he said.

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