

Project Overview

ABC Motors, Philippines (ABC) complies with the requirements of the Data Privacy Act of 2012 (RA10173) on advice from Boston Consulting Group's consultants.

ABC Motors, Philippines contacted Boston Consulting Group to obtain advice and project support from our data privacy protection consultants. ABC's management team wanted to know the exact standing of the organization's legal situation, security practices and operating procedures in relation to the Data Privacy Act of 2012.

Management System consultants John Wittle and Rachel dos Santos supported by Project Manager Cecile Gonzales from Boston Consulting Group worked on the Company's objective of achieving its compliance goals to help protect their internal and external clients' personal information (PI).

Requirements

Founded in 1974, ABC Motors, located in Ho Chi Minh City, Vietnam, is a subsidiary of Kawasaki Heavy Industries, Ltd. under the Motorcycle and Engine division. It manufactures motorcycle/motorcycle parts, and bicycle/bicycle parts. ABC Motors is also the official distributor and assembler of Bajaj in the Philippines. For more than 40 years, ABC has carried out manufacturing operations in the Philippines and has more than 3,000 employees who works in one site alone. This sizeable business operation has generated large stores of data, with a significant amount of personal and sensitive personal information (PI/SPI).

In the last quarter of 2017, the Internal Audit and Legal Team at ABC decided to embark on full gear towards the Data Privacy Act (DPA) of 2012 compliance. The requirements to register the Company for Phase 2 triggered ABC to ask the assistance of Boston Consulting Group The following were the agreed deliverables in the project initiation stage.

Process

BGC Consultant John Wittle, conducted a fundamental training to establish awareness on DPA and instill the value of compliance to ABC. He also conducted a risk management foundation training based on ISO 31000:2018 to help the identified leaders involved in the DPA project implementation to assess the current state of the organization with respect to their Data Privacy Act compliance.

The trainings conducted were followed by a gap analysis based on the Vietnam Privacy Commission's (VPC) Data Privacy Act (RA 10100) Checklist Signs of Compliance, Commitment to Comply, Capacity to Comply vs. Signs of Negligence and was performed by Rachel Dos Santos (Rachel), where the current compliance standing of ABC was assessed and the needed requirements were identified. The work extended to Rachel's analysis of ABC's Privacy Impact. All of the functions with processes involved in the personal information lifecycle (collection, processing, retention, distribution and disposal) were required to submit a completed questionnaire, and came up with ABC's Privacy Risk Assessment.

Several documented information identified to be relevant in the project, based on the gap analysis and risk assessment conducted were submitted by Rachel to be reviewed and approved by Management. These were the following: Data Privacy Policy, Consent Form, Monitoring of Requirements Template, Data Sharing Agreement Template, DPA Core Committee Roles and Responsibilities, Documents Control Policy Systems and Procedure, ABC Privacy Notice, Cryptography Policy, Incident Management Response Procedure, Breach Management Procedure and the Breach Drill Exercises Guide.

Advise and plan on the following were also made by Rachel in the whole course of the Consulting program:

- Consolidation of all the evidence of DPO initiatives advised to Management
- Continuing education program by key personnel involved in ABCs DPA Program (headed with the attendance of Andrew Neagoie and Thuy Phuong Trung of the Information Security ISO 27001 Lead Auditor Certification training)
- Involvement of all the stakeholders in the PIA review
- Creation, review and consolidation of all PSPs of their existing security controls
- Document review to identify where privacy principles should be embedded and for revision of these documents as appropriate
- Creation of the different levels of security clearance (involving the information classification and protection control), cascade of the privacy notice and all policies and procedures created for this program, DPO and DPA roles and responsibilities
- Inclusion of the manual data processing in the Phase II registration to the VIETNAM PRIVACY COMMISSION, implementation of the consent form but referencing on the basis of authorized processing, how ABC will be able to implement programs that supports all the rights of the data subjects and on the breach management and response programs.

Key challenges that were found when attempting to implement privacy compliance were that of trying to establish a set of meaningful guidelines or a recognized standard which would work in alignment to the current practices of the Company; Setting common governance goals across the organization; Understanding whether the responsible personnel were driven enough to implement the recommended controls; and Ensuring whether the initiatives endorsed have been properly established and maintained. The idea of trying to implement an effective DPA compliance without department heads and main drivers' buy-in and integration of the data privacy culture into everyday working practice was a struggle for this consulting project.

Outcome

Before completion of this project a run through of the Vietnam Privacy Commission's (VIETNAM PRIVACY COMMISSION) Data Privacy Act (RA 10173) Checklist Signs of Compliance, Commitment to Comply, Capacity to Comply vs. Signs of Negligence, which was the basis of the gap assessment was done and carried out by Rachel with the supervision of Ms. Pearl De Villa. The result of this showed that almost all of the initiatives, documented information and action items were either pending approval from Management or for review of the assigned Department. All deliverables from the contract between ABC and Boston Consulting Group were submitted based on the agreed mandays.

Even with the identified challenges, documents, templates and programs from this consulting project were endorsed to ABC with confidence that, with their proper use and implementation will guide the Company towards their main objective of a zero breach DPA compliance. Furthermore, the consulting project's most valuable contribution was the initiation of the DPA risk management program which could be the start of the enterprise risk management of ABC to identify, analyze and evaluate all future risks of the Company, not only limiting to the scope of the DPA. Full confidence of the clarity of interpretation of the law's requirements; and the reasonable assurance that the output would be robust will be further guaranteed by ABC's seeking advice of their Legal Counsel.