



# Data Privacy Assessment

A way to measure compliance with data protection obligations independently or as a part of internal audit



As the revised Swiss Federal Act on Data Protection (FADP) will enter into force in September 2023, data protection compliance becomes more important than ever. The proper implementation and management of a data privacy governance is crucial in order to manage operational and reputational risks to avoid potentially substantial fines for non-compliant practices. Ensuring data privacy compliance is essential to avoid reputational and financial risks. Non-compliance could result in reputational damage through press reports and substantial fines, – up to 250,000 CHF (revFADP) for responsible employees and up to EUR 20million or 4% of the global turnover for the entity (GDPR).

## KPMG Assessment

At KPMG we have defined a method of assessing whether an organization is complying with their data protection obligations, identifying data protection risks and putting forward recommendations for best practice.

## How can we help?

Our Data Privacy Assessment is designed to analyze your organization's data protection framework (compliance) and make recommendations.

KPMG's assessment will be specifically tailored to your organization's specific requirements. Our experts will usually be looking at the following

- whether there are relevant and appropriate data protection policies and procedures in place and what changes will be required;
- what categories of data are processed by the organization and the legal basis for processing;
- whether privacy impact assessments will be needed for specific "high-risk" areas;
- what Privacy Notices are in place and what amendments will be necessary in order to comply with the new information requirements;
- whether staff receives is aware of and training regarding data protection duties;
- how the organization would deal with data subjects' rights with regard to access, rectification and erasure;
- what the practices surrounding data accuracy and retention are;
- whether the organization has appropriate technical and organizational measures in place to ensure the adequate protection of personal data;
- what the legal bases for cross border data transfers are, if applicable;
- how data sharing with third parties is handled.

With the help of the KPMG Global Privacy Management Framework, we identify the areas in which significant risks exist and where action is required to meet data privacy requirements. This framework enables a structured and focused approach that is tailored to the needs of the respective company.

## KPMG Global Privacy Management Framework

Governance and Operating Model	1.1	Privacy Governance	Legal & Regulatory	2.1	Lawfulness of Processing	Data Privacy Policy	3.1	Notice to Data Subject (Direct & Indirect Collection)	Data Management	4.1	Data Retention	Operational Integration	5	Automated Individual Decision-Making	Privacy by Design	6.1	Privacy by Design & Default
	1.2	RoPA		2.2	Lawfulness of Special Category Personal Data Processing		3.2	Internal Policies and Procedures		4.2	Data Quality		4.3	Data Minimization		6.2	Data Protection Impact Assessment (DPIA)
	1.3	Privacy Organization		2.3	Transfer to Third Countries		4.4	Data Disposal									
	1.4	Audit & Testing		4.1	Controller / Processor Representative												
Security for Privacy	7	Integration of Privacy in Security Processes	Third Party Management	8.1	Third Party Management	Data Subject Access & Requirements	9	Data Subject & Access Rights	Consent Management	10.1	Consent Retrieval	Training & Awareness	11.1	Data Privacy Training	Breach & Incident Management	12	Data Breach
	8.2	Contracts		10.2	Consent Withdrawal		11.2	Internal Awareness									
	8.3	Auditing & Testing		10.3	Consent Management for Processing Children's Data												

## Your Benefits



Mature compliance level of the organization regarding GDPR and revised Swiss FADP



Trained and problem-sensitive organization



Understanding of the adjustments required by the relevant data protection regulation



Best-practice insights into and expert knowledge of how to address any identified gaps



Fast and effective response to any data breaches

## Why KPMG?

KPMG has wide-ranging experience in data privacy assessments, privacy implementations, small- and large-scale privacy improvement programs and DPO support services in a diverse range of industries. Our specialists cover all aspects of data privacy, including legal, compliance, risk management, IT security and audit. We follow a proven approach to privacy management that we tailor to your business' data protection challenges and opportunities. KPMG understands that compliance is not the sole goal for your organization and uses their expertise and experience of risk management and data protection, in order for you to become compliant with privacy rules and laws, while limiting the costs of compliance and maximizing "in control" benefits.

At KPMG AG, our team consists of specialists in the areas of information governance, data protection and data security and is characterized by professional expertise and extensive practical skills.

We can help you assess where improvements need to be made or gaps need to be filled for your organization to be compliant with revFADP and or GDPR.

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