

Chief Privacy Officers of 2020: The Most Underrated Leaders?



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2020 may be the greatest test of agility across modern society – and in the corporate world, Chief Privacy Officers have been exemplars of the agility the year has commanded. The crises and evolutions of 2020 have stretched the impact and influence of Chief Privacy Officers in multiple directions and across functions. Which other corporate leaders have jumped into a role best described as part human resources manager, labor and employment lawyer, technical strategist, regulatory officer, risk executive, visionary and of course, total privacy expert, all in a matter of days?

Since April, we have spoken with over 40 Chief Privacy Officers across industries during our Hedley May Privacy Forum. As the group discussed the newest and biggest privacy challenges for Fortune 100 companies, our conclusions quickly crystalized – the privacy function is more essential than ever before, and its leaders must continue to muster all of the resilience, responsiveness and resourcefulness that 2020 has required – because the demands keep coming!

Resilience

In the midst of the global health pandemic, Chief Privacy Officers have played critical roles in leading unprecedented and swift change, from securing the shift to remote work to safeguarding the privacy of those returning to workplaces under extraordinary surveillance measures.

- » As the “home” became the “office”, CPOs were called upon to establish increased security protocols and mitigate the loss of proprietary and confidential data in work-from-home set-ups. CPOs also stepped up to provide counsel to managers on personal privacy boundaries in this new paradigm – what kind of monitoring and control over remote work behaviors could be exercised?
- » With some employees mobilized on the frontlines throughout the lockdowns, CPOs had to strike the tough balance between preserving healthy workplaces and protecting employees’ privacy. Whether or not companies have implemented temperature checking, contact tracing or other health surveillance measures, CPOs are the ones responsible for determining best practices to collect, process, retain and/or transfer this data.
- » CPOs also undertook the complex tasks of moving global employees “home” or returning them to the workplace amidst different countries’ COVID timing, restrictions and privacy regimes.



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Responsiveness

COVID-19 did not halt regulatory scrutiny and privacy rules and regulations have continued to advance. In addition to being pushed to make nimble decisions in the face of the crisis, Chief Privacy Officers have continued to be pulled – and asked to pivot – in response to evolving regulations.

- Undeterred by the pandemic, CCPA enforcement commenced as scheduled on July 1st, just as the US saw its highest COVID spike to-date. While many CPOs were ready for this, others – especially those in newly created functions or elevated positions – found themselves buried in remediation efforts, still trying to operationalize alignment with GDPR.
- CPOs were thrown yet another curveball in mid-July as the Schrems II decision invalidated the EU-US Privacy Shield. This shifted CPOs' focus to contractual and inventory reviews, readying their programs for regulatory compliance across the board.
- Without the luxury of time, CPOs have had to respond decisively, calculating risks as they lead their functions through crisis and ever-changing regulatory pressures. In the height of the crisis, many have departed from “normal” approval processes or relaxed certain standards. The CPOs of 2020 have had to exert quick judgment with an eye on how risk exceptions made under these exigent circumstances might be unscrambled (or contested) in the future.

Resourcefulness

Between regulatory obligations and an increasingly data-savvy world, sophisticated privacy functions were already in high-demand pre-COVID. And while the demands on Chief Privacy Officers have only intensified since, budgets and headcount have lagged.

- Like many, CPOs are being asked to do more with less. Budgets ear-marked for new headcount for the notoriously understaffed function have been frozen by the economic strain of the pandemic. Many CPOs are feeling constrained and left only with “creative” options – like tapping cross-functional resources.
- At the same time, businesses' (now with largely remote workforces and customer bases) reliance on technology has compounded, leaving them even more susceptible to surging cyberattacks. 2020 privacy requires a different and enhanced skillset that can merge technical and operational know-how with traditional advisory capabilities. As data and data usage proliferates, CPOs also need teams with data governance and data mapping experience. And with health concerns infiltrating the day-to-day workings of businesses, HIPAA expertise is emerging as a must-have.



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» It is no surprise that 2020 CPOs have earned “seats at the table”. As the function develops and CPOs’ spheres of influence grow, CPOs’ impact on the sustainability of their organizations is immense. Sitting CPOs have elevated importance and input that is essential to executive decision-making, and companies that are just exploring the build-out of privacy have a new call to action. And who knows – what new demands are just around the corner?

The Hedley May Privacy Forum was launched in April 2020 to join Chief Privacy Officers and Counsel across industries and share best practices during the global pandemic and beyond. Our conversations to-date have centered on the evolution of the CPO role and the distinctive blend of transparency, prioritization skills and leadership required of 2020 privacy executives.



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Anna was Hedley May US’s first employee when the firm launched in 2009 and has been instrumental in the development of the firm’s Privacy, Cybersecurity and Analytics practices in the dynamic era of data evolution and ever-changing regulation.

Specialized in the Three Lines of Defense, Anna is skilled in finding forward-thinking talent who have the ability to translate complex technical issues into tangible, commercial and cutting-edge solutions for senior functional and C-suite leadership teams.



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For over 25 years, Helene has led Chief Legal Officer, General Counsel and other executive searches for Legal, Compliance, Governance and Government Affairs roles.

Helene has counseled a broad portfolio of multinationals through executive transitions, gaining a unique vantage point to understand how cohesive executive leadership teams can bring legal and regulatory heft to their organizations.