

Building a successful compliance programme

Valerie Taylor explains how a strong management strategy can help persuade your company to buy-in to privacy protection.

Most organisations appreciate the need to comply with data protection legislation. In some cases, this is because of the realisation that compliance can bring commercial benefits - surveys, for example, are frequently telling us that consumers are increasingly concerned about privacy. In other situations, it might simply be down to legal obligations. Whatever the reason, organisations face the same challenge of getting management support for a compliance programme.

This programme can be broken down into key elements - getting management buy-in for the project, as well as a budget for resources, and rolling out a training programme across key areas of the organisation.

Management buy-in

This is a subject often discussed in data protection circles. How do I get support at a senior level? How can I sell the benefits of data protection? The

problem is not difficult to understand. Data protection and similar compliance programmes simply do not add directly to the profits of an organisation. Suggest spending money on using an innovative design agency and you can show how their attractive advertising will increase sales. Suggest spending money on a privacy programme and you are dealing with double negatives such as avoiding non-compliance, and with nebulous concepts such as customer trust.

The challenge is to overcome the idea that data protection is unnecessary and bureaucratic, and to show its value.

Building on past experience

It is worth taking a moment to think about other areas in your organisation which face similar problems. Data protection is by no means unique - there are other compliance-related functions which have to promote themselves with an equivalent set of vague benefits. It may be possible to use some of the experiences

in other departments to help promote your data protection programme. Health and safety and competition law compliance are two such areas.

In the construction industry, both of these issues are certainly relevant. Competition law forbids the creation of cartels, but it also regulates the less formal arrangements made between companies. Those working in the construction industry can find it difficult to raise the profile of competition law as an everyday consideration.

The advantage that this subject has over data protection (in most countries) is that the fines can be massive. It is much easier to persuade people of the importance of a subject if they could be personally responsible for a fine of 10 per cent of the group's turnover. But even then, it is a question of getting people at every level to consider the impact of their actions, not just those involved in multi-million dollar deals.

Health and safety on the other hand is a very real issue for the construction

Figure 1: Five steps to presenting your management strategy



industry and one which raises its head on a daily basis. According to the UK Health and Safety Executive (HSE), there are on average more than 4,000 major injuries in the construction industry each year, and in 2001/02 there were 80 fatalities. Any company that did not have a comprehensive health and safety policy, which was communicated to and understood by its staff members, would find itself on the receiving end of litigation, fines and a direct hit to its share price.

Move to an office-based company and you are likely to find health and safety regarded as a nuisance - something that might stop you from buying a kettle for your department. By way of comparison, according to the HSE there was one recorded fatality in office-based industries in the UK in 2001/02. It is the context that makes the issue seem less relevant.

The key is, therefore, to express the benefits - whether these are positive or risk-avoidance measures - in a way which makes sense to the business. With data protection, there are likely to be two main benefits. First, customer satisfaction and, secondly, brand reputation - more precisely, avoiding damage to that reputation.

In order to achieve senior level support for a privacy compliance programme, it will be important to get your arguments together in advance so that you can explain the benefits which will arise, and hence justify the expenditure. As already mentioned, there are any number of surveys which show how important privacy is to consumers and clients. You may even have research of your own which you can use to back this up. If you can tie this in to potential lost sales or a failure to convert a one-off customer into a repeat customer, you will be speaking the same language as the board.

The second benefit is brand reputation. This sounds like a nebulous concept, and indeed it is, but it is something recognised as immensely valuable by boards of directors. Huge amounts of money will be spent by organisations in trying to achieve the right brand values and reputation. Brand values do not come cheap, and so you can use this to demonstrate how a well-funded privacy programme can not only prevent erosion of that reputation, but

even enhance it. It is entirely possible to use privacy in a way which sets your organisation apart and generates a level of trust among consumers and clients. If this directly encourages new sales, even better, but even without that it will be of great benefit to most organisations to have that reputational advantage.

With a well-planned approach to the board, setting out these benefits and clearly specifying the budget required, you can achieve management support and financial backing. A useful way of building and presenting your management strategy is to use the traditional five steps (see figure 1, left). The fifth element in the strategy is particularly useful as you can show the management team that you will be able to demonstrate the success of the programme.

personal lives (one advantage that data protection has over competition law).

There are a huge number of communications media available to most organisations, from e-mail and web alerts to posters, desk drops and video displays. You may be able to use some of these techniques to promote the up coming training sessions in an engaging way.

If you can "sell" the training in the right way, the chances are that the number of no-shows will be few. There will always be some situations where people are unable to attend, for example because of illness. What you are trying to avoid is a situation where staff members do not see the relevance of the training to their job or the benefits it could bring either to them or to the organisation as a whole.

If you can pull together the appropriate expertise you stand a good chance of selling data protection at all levels of your organisation.

Persuading staff

Assuming you have succeeded in this, the next stage is to educate. The most comprehensive and well-designed policy will do nothing to achieve the goals you have sold to the management team if it merely languishes on your organisation's intranet. The most important thing is to educate the people in your organisation and to try and create that elusive "culture of compliance".

Here the challenge is to provide training and education that will be meaningful, that people will want to attend, and that they will retain the information after you have turned off the projector.

An article by Parity Training (www.parity.net) on the British Computer Society's website advises that the first stage is to motivate people to want to attend the training courses. If your Internal Communications department can provide some good internal marketing, they can help staff understand the reasons behind the training. This may help overcome resistance to the training and encourage staff to be committed to the project. It will also help buy-in if the training can be presented as relevant to individuals' jobs - or even to their

The whole process is time consuming. There are many elements involved in implementing a successful data protection compliance programme and it is important to work through each stage of the planning rather than moving straight to the development of a policy or training material.

You may feel you don't have the skills to enable you to present the project to your board of directors, or to promote the internal training programme, but there are bound to be colleagues with experience that can assist you.

You may find unlikely allies in the health and safety or marketing departments. If you can pull together the appropriate expertise, you stand a good chance of selling data protection at all levels of your organisation.

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