

'DATA IS THE NEW OIL'



In this regular column, **Lisa Burton**, GLL Ambassador and Chief Executive Officer of Legal Data Workspace, answers your questions on data, crisis management and all things executive leadership.

What should every GC be aware of in 2022?

It may be a cliché, but data is the new oil.

As data becomes more valuable, voluminous, and vulnerable, data security needs have outpaced the skills and technology of most organisations.

As a result, data privacy management demands often exceed available resources. Yet GCs and their Boards, now recognise data as a strategic asset; they commercialise it. They value data when they buy or sell a business, seek partners and customers, or engage in innovation. They want it organised, leveraged, and protected no matter how big or small the business.

Data has business value, but also comes with a cost risk. Here's why:

- Business value translates to increased revenue and profitability. The business value of data stems from opportunities to grow the business, develop products and services, enter markets, create efficiencies, attract partners, and win customers.
- Cost-risk translates to loss. Data increases the risk of losing money, intellectual property, partners, customers, privacy, and reputation. The risk stems from the potential for loss, theft, misappropriation, corruption, or exposure of data.

Few organisations find it feasible to design and maintain a true data protection program, which entails:

- Addressing the value of data, legal and regulatory requirements; data access and use policies; operational processes, and end user training awareness
- Integrating tools and processes for ticketing,

reporting, monitoring asset management and hiring and managing legal technology staff

- Assessing outcomes and driving improvement, including remediation, risk reduction and analysis of trends
- Responding to legal matters involving data, for example, HR investigations, regulatory investigations, corporate investigations, IP theft, data breaches, data leakage resulting in unwanted attention from stakeholders and investors, and the de-valuation of company share price

The role of the GC has changed and expanded over the last 10 years. What are some of the key traits of the future GC?

The GC role has changed and expanded over the last 10 years or so. For example, a GC will work alongside the CEO, Chair, MD, Investors who turn to the GC when they worry about IP loss - Brand erosion, unwanted shareholder and stakeholder attention and Director/Board liability stemming from a data breach.

GCs must ensure that efficient, compliant and secure governance is being practiced at all levels, including within the subsidiaries of a corporation and third-party vendors.

Managing legal issues in an increasingly regulatory-impacted environment. This tends to raise the cost of doing business and becomes more difficult when those restrictions put cost pressures on the legal department charged with making the business compliant, and do its best to anticipate what might be around the corner.

The speed at which business operates continues to accelerate. Online global transactions, social media, and technological advancements have

transformed the game: GCs have to be ready to act and respond immediately, companies face more scrutiny than ever (24 hours a day), within highly competitive markets.

Then there is the matter of cyber security – it's not just an IT issue. The GC should lead or play a major role in a Data Protection Governance Board for the business to participate in the discussion about policies, education, vigilance, and how the company might deal with a cyber attack. Furthermore, the legal impact of an actual data breach can be deep and wide, a communication plan deserving of careful legal consideration, and the legal steps for investigation and potential prosecution demanding.

In this environment, today's successful GC must understand the business ramifications of legal actions (or inaction); be a trusted commercial advisor as well as a legal advisor; be a gatekeeper, but not a roadblock, who is pragmatic, adding value by preserving value; and help the company understand the value in mitigating and controlling risk – without being too risk-averse. The GC must be adept at coming up with creative (yet legal) ways to achieve business goals, but also hold firm when there is no such thing.

Here are 6 key considerations:

- Consider technologies to enable full Board visibility through data-driven dashboard capability detailing prioritised risks and actions.
- Identify the current and future requirements for Data Compliance across business' operating sectors within all jurisdictions.
- Review of the technology platforms, to rationalise data compliance requirements and resourcing to scale the business.
- Consider the production of a data-based risk register to identify and prioritise risks and how they will be mitigated and managed.
- Produce a data roadmap to plan the development of the required processes and timescales.
- Development of a prototype dashboard for communicating progress internally and at board level both pre and post M&A activities, IPOs.
- Consider how to acquire strategic partners whether they be legal, technology or security.

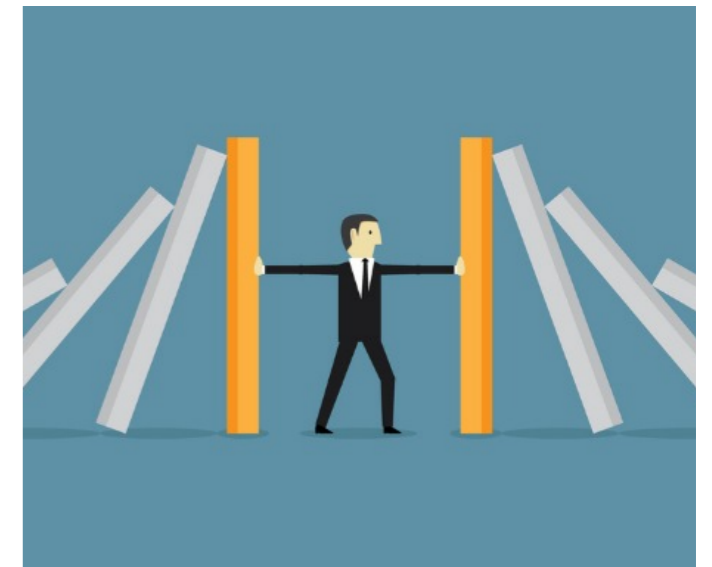
What are the key lessons you have learnt in your previous roles as a C-Suite Leader?

Over 25 Years as a business entrepreneur and female CEO, I have learned so much! Mostly, I

have learned to trust myself, that my gut instincts are always right whether that be navigating board politics, responding as a woman to a majority male Board where I have experienced first-hand sexism and passive-aggressive bullying or recruiting people. As a mature businesswoman, I am resolved to work only with people I love to work with, whether within my own team, my clients and suppliers. Obviously, I have made mistakes, handled situations and scenarios that I could have done better on – but it is only by harsh learning experiences that I can honestly say I own a blackbelt in success and failure that has made me into the business leader I am today. I am passionate about inspiring young women and more women to step up to senior roles, especially in legal data and technology. And I believe that data protection goes right back to fundamental human rights so if I can help businesses protect their consumers and B2B relationships by helping them derive the best value from their data assets and help manage their risks, then I am very happy in my work!

Finally, I would say as a woman and as a mother, thankfully, the business environment has changed.

I started my previous business, Legal Inc. so I could see my boys, but it was difficult and I literally sweated on the line on many occasions as I struggled with Mum duties and work commitments. One of the positives from the pandemic is that businessmen and women can more easily juggle family commitment and work commitments.'



Have some questions for Lisa? Please send them in to be answered in next month's issue.