

FBE Congress  
Sessione Stage

## The legal Profession and Data Protection

*Wroclaw 22 September 2011*



**Wroclaw Regional  
Chambers  
of Legal Advisor**



**Security Measures and Data Protection**

**by**

***Francesco Tedeschi***

Ordine degli Avvocati di Trani



# The legal Profession and Data Protection

## HARVARD LAW REVIEW.

VOL. IV.

DECEMBER 15, 1890.

NO. 5.

### THE RIGHT TO PRIVACY.

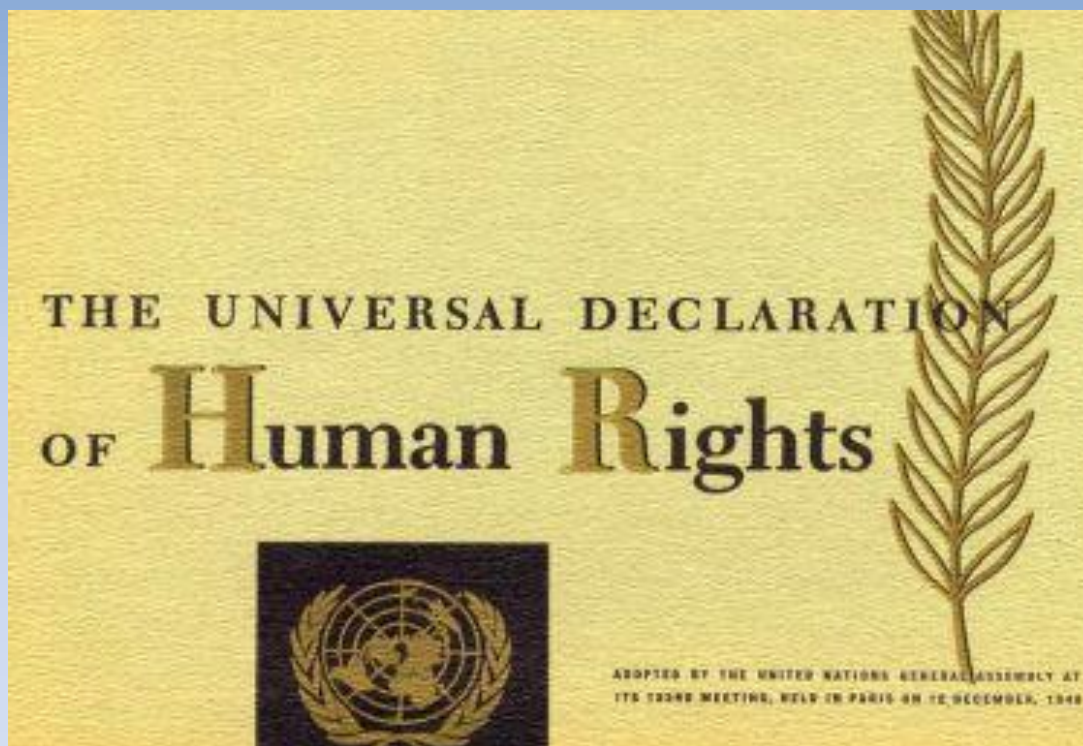
"It could be done only on principles of private justice, moral fitness, and public convenience, which, when applied to a new subject, make common law without a precedent; much more when received and approved by usage."

WILLIAM, J., in *Miller v. Taylor*, 4 Burr. 2103, 2112.

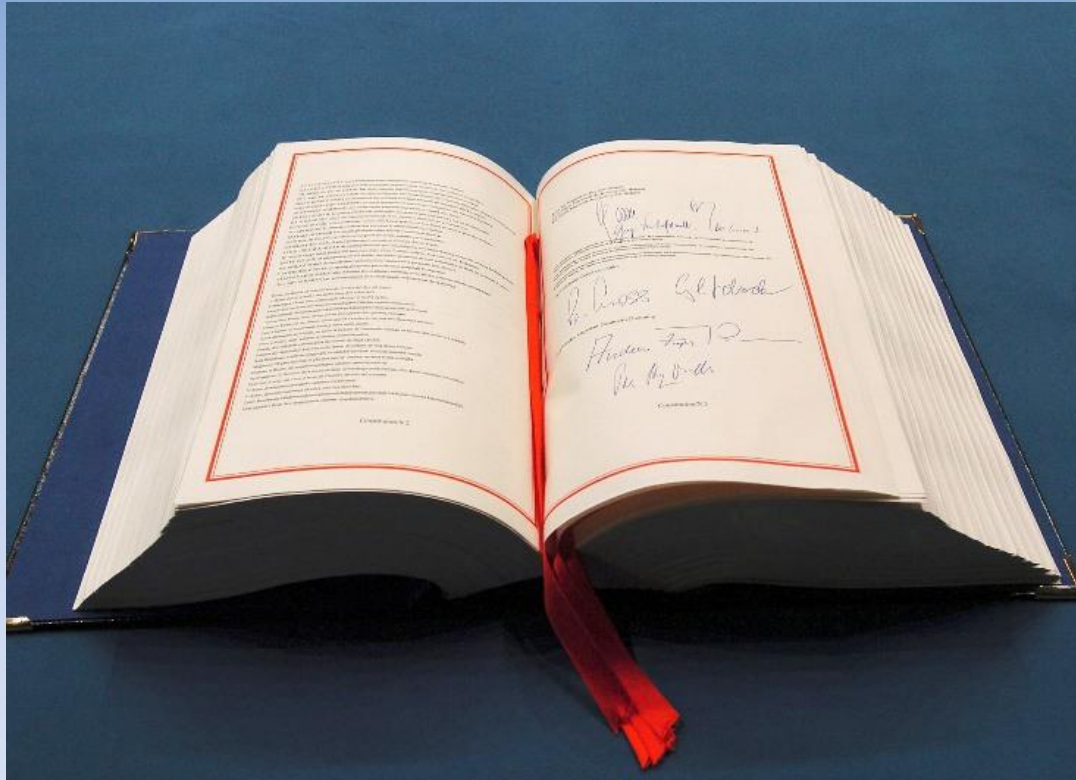
THAT the individual shall have full protection in person and in property is a principle as old as the common law; but it has been found necessary from time to time to define anew the exact nature and extent of such protection. Political, social, and economic changes entail the recognition of new rights, and the common law, in its eternal youth, grows to meet the demands of society. Thus, in very early times, the law gave a remedy only for physical interference with life and property, for trespasses *vi et armis*. Then the "right to life" served only to protect the subject from battery in its various forms; liberty meant freedom from actual restraint; and the right to property secured to the individual his lands and his cattle. Later, there came a recognition of man's spiritual nature, of his feelings and his intellect. Gradually the scope of these legal rights broadened; and now the right to life has come to mean the right to enjoy life,—the right to be let alone; the right to liberty secures the exercise of extensive civil privileges; and the term "property" has grown to comprise every form of possession—intangible, as well as tangible.

Thus, with the recognition of the legal value of sensations, the protection against actual bodily injury was extended to prohibit mere attempts to do such injury; that is, the putting another in

# The legal Profession and Data Protection



# The legal Profession and Data Protection



**Sign Charter of fundamental rights of the European Union**

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## *Personal data*

any information relating to natural or legal persons, bodies or associations that are or can be identified, even indirectly, by reference to any other information including a personal identification number

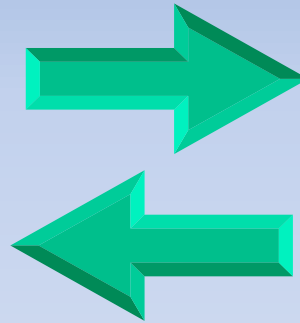
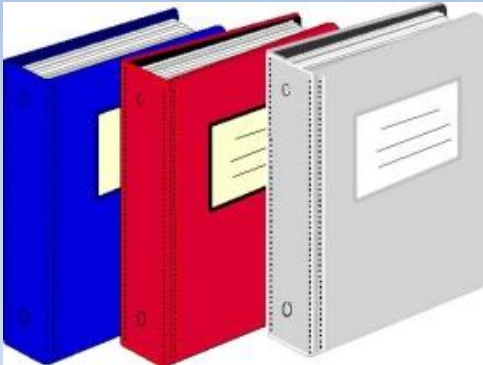
# The legal Profession and Data Protection

## *Processing*

any operation, or set of operations, carried out with or without the help of electronic or automated means, concerning the collection, recording, organisation, keeping, interrogation, elaboration, modification, selection, retrieval, comparison, utilization, interconnection, blocking, communication, dissemination, erasure and destruction of data, whether the latter are contained or not in a data bank

# The legal Profession and Data Protection

## *Processing*





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## *Lawyer and data protection*

**It's necessary to change  
the operating *Weltanschauung* and direct  
management models of the work compatible  
with those generally accepted as virtuous**



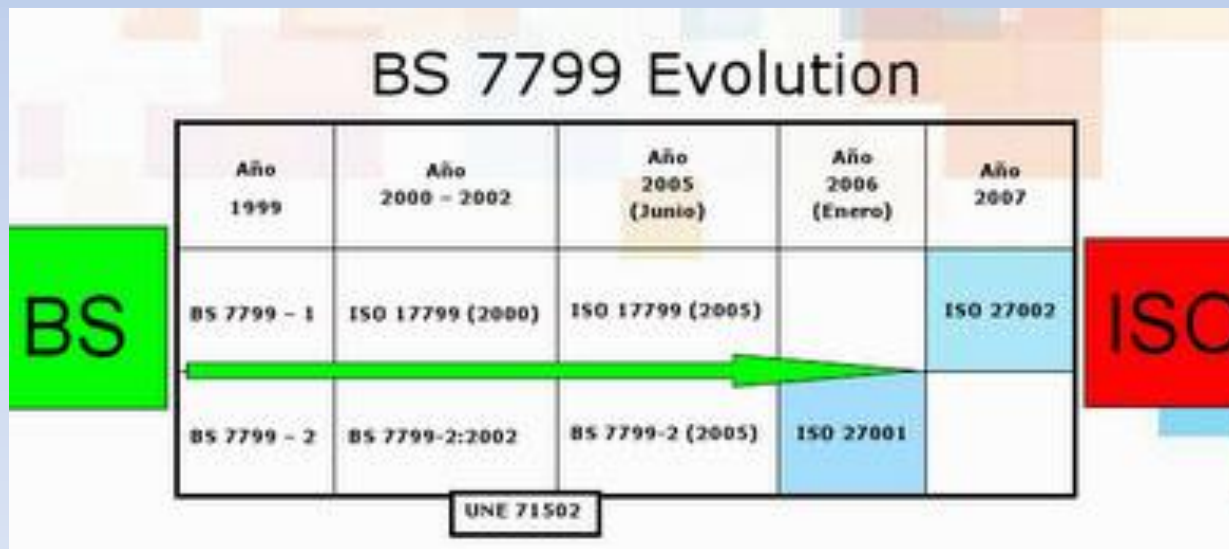
# The legal Profession and Data Protection

## Security Policies and Security Plan International Standards



# The legal Profession and Data Protection

## Security Policies and Security Plan International Standards



# The legal Profession and Data Protection

## Security Policies and Security Plan ISMS Model



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## Security Policies and Security Plan

### PDCA Model



#### **Plan** (establish the ISMS)

Establish ISMS policy, objectives, processes and procedures relevant to managing risk and improving information security to deliver results in accordance with an organization's overall policies and objectives.

#### **Do** (implement and operate the ISMS)

Implement and operate the ISMS policy, controls, processes and procedures.

#### **Check** (monitor and review the ISMS)

Assess and, where applicable, measure process performance against ISMS policy, objectives and practical experience and report the results to management for review.

#### **Act** (maintain and improve the ISMS)

Take corrective and preventive actions, based on the results of the internal ISMS audit and management review or other relevant information, to achieve continual improvement of the ISMS.

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## Security Policies and Security Plan

### PDCA Model

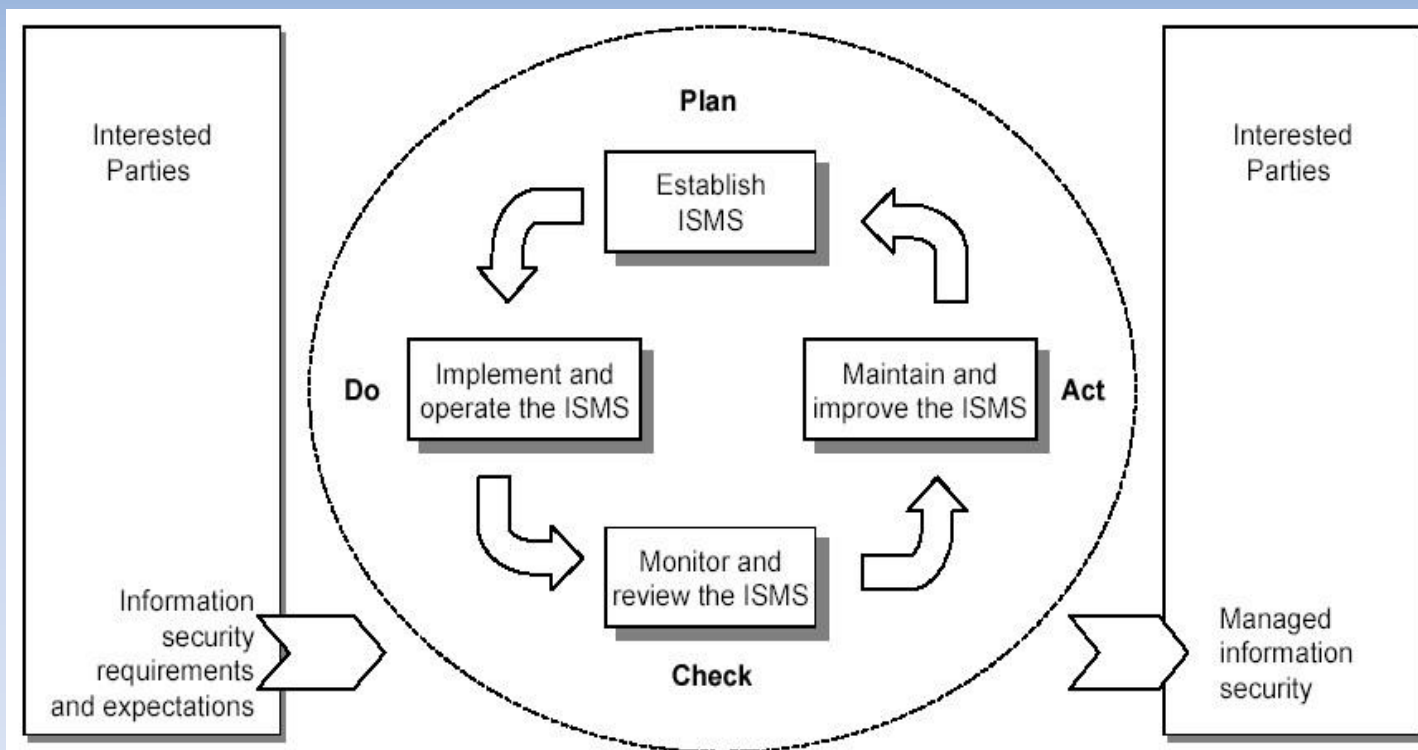
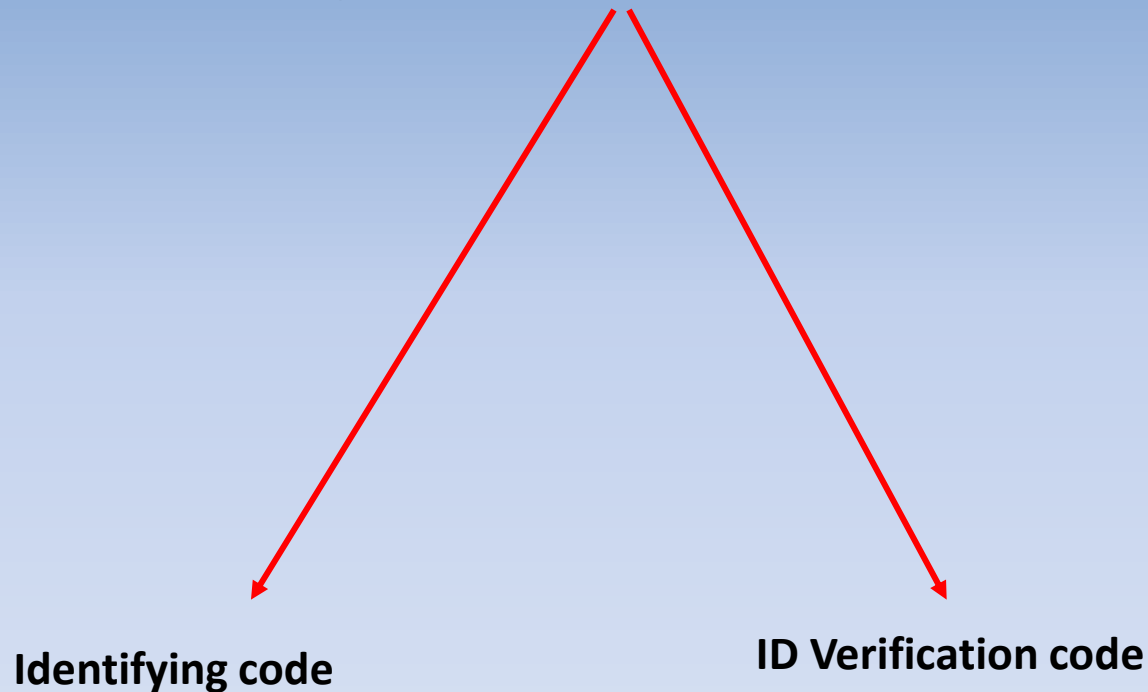


Figure 1 — PDCA model applied to ISMS processes

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## Security Measures: Steps Computer use

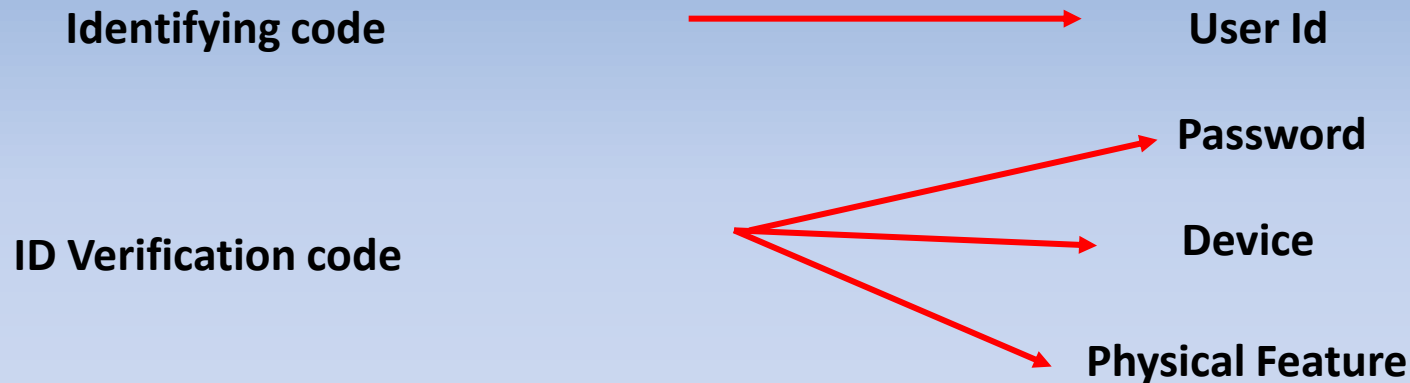
### Computerised authentication



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## Security Measures: Steps Computer use

### Computerised authentication



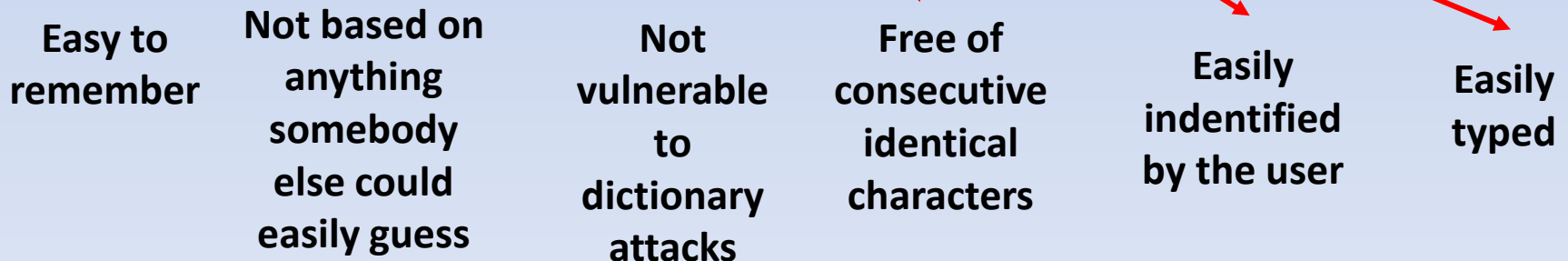


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## Security Measures: Steps Computer use Computerised authentication

### Password

String of alphanumeric characters with sufficient minimum length (*recommended 8*)



# The legal Profession and Data Protection

## Security Measures: Steps Computer use

Computerised authentication

Device



Badge; magnetic card or radio apparatus

*Risk:*



Lost or duplication

# The legal Profession and Data Protection

## Security Measures: Steps Computer use

### Computerised authentication

Physical Feature

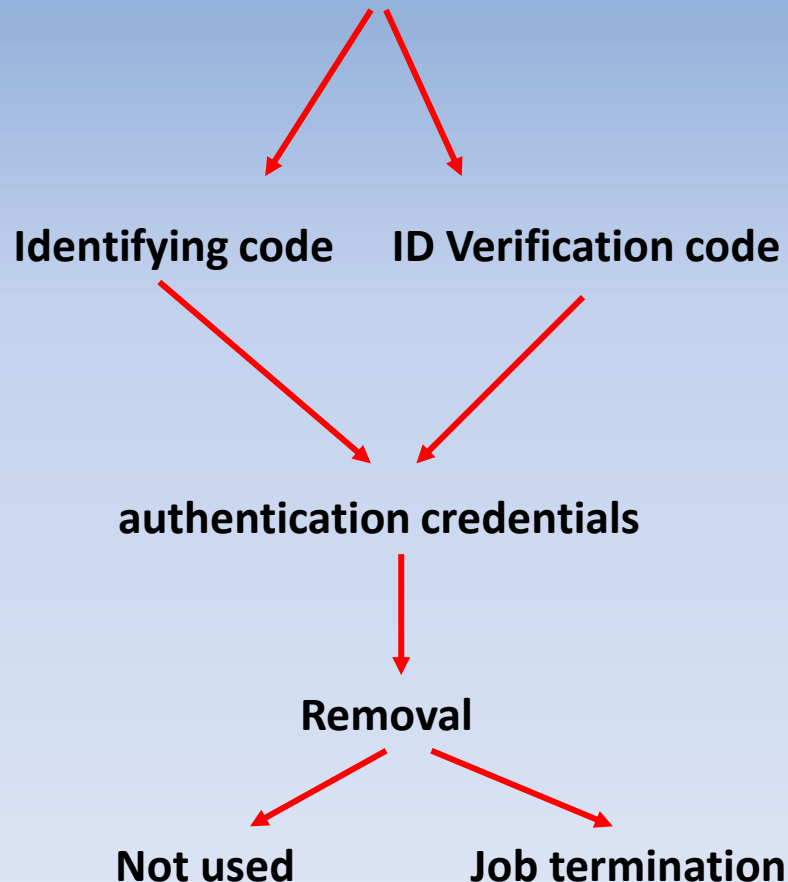


Voice; sign; fingerprint; retina and other

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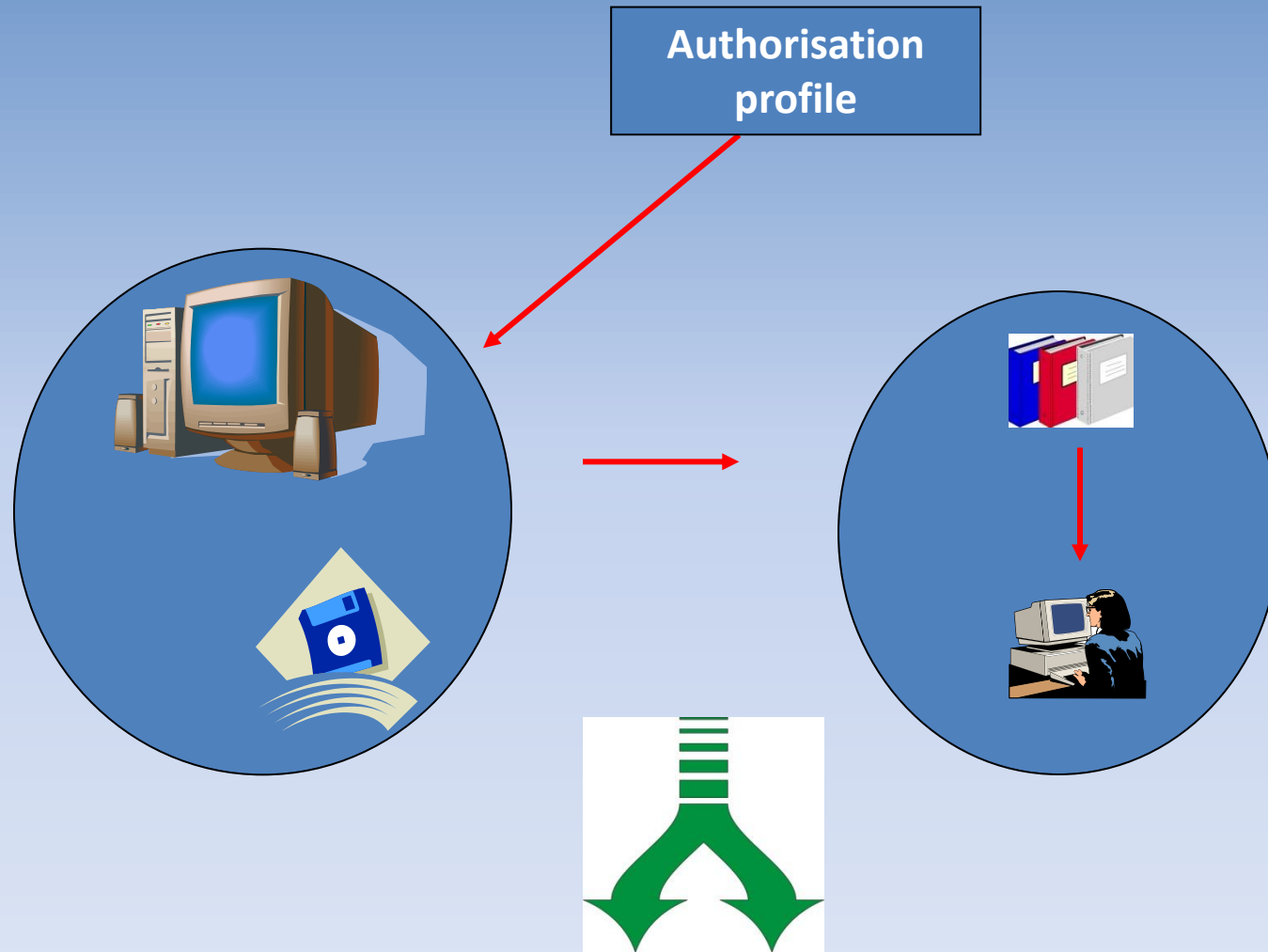
## Security Measures: Steps Computer use

### Computerised authentication



# The legal Profession and Data Protection

## Security Measures: Steps Computer use



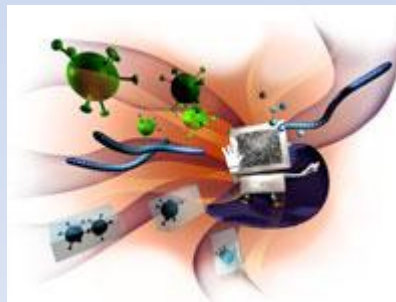
**Who** can do **What**

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## Security Measures: Steps Computer use

### Computer protection

Risk

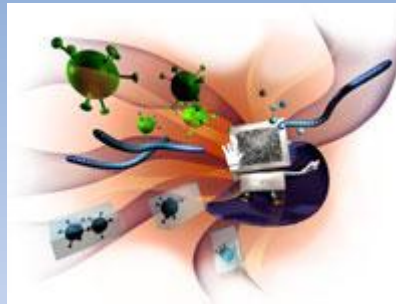


Malware

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## Security Measures: Computer protection

### Types of Malware



**Damage Pc System**

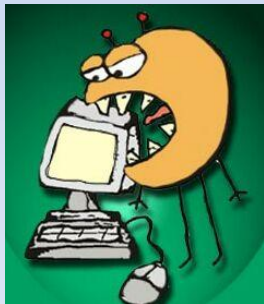
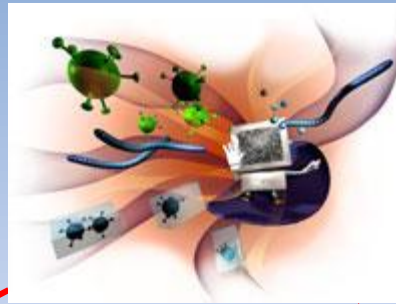
**Damage Personal Data**



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## Security Measures: Computer protection

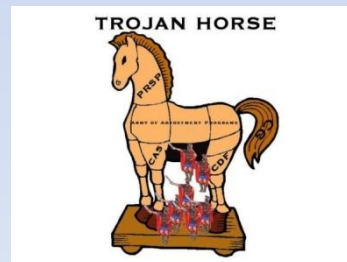
### Malware direct to damage pc system



Virus



Worm



Trojan



DoS

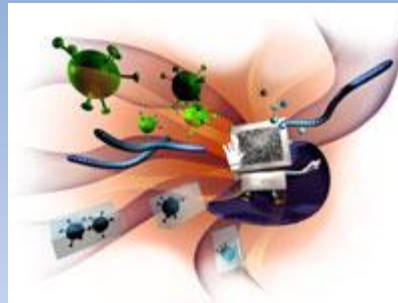


Rootkit

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## Security Measures: Computer protection

**Malware direct to damage personal data**



**Spyware**



**Adware**

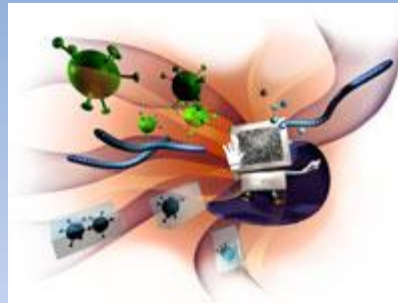


**Dialer**

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## Security Measures: Computer protection

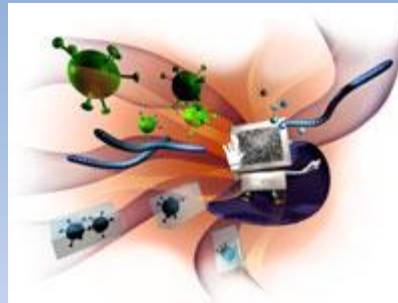
### Malware and fake e-mail



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## Security Measures: Computer protection

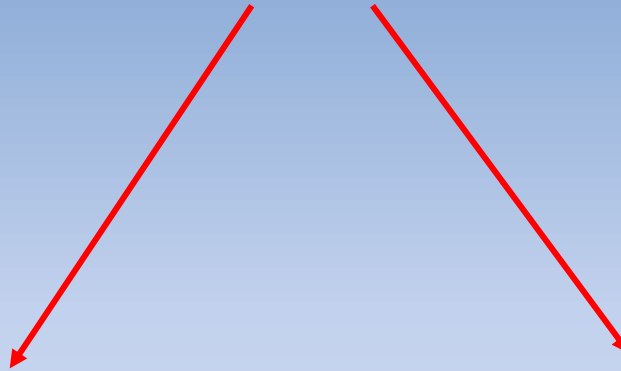
### Malware and file sharing



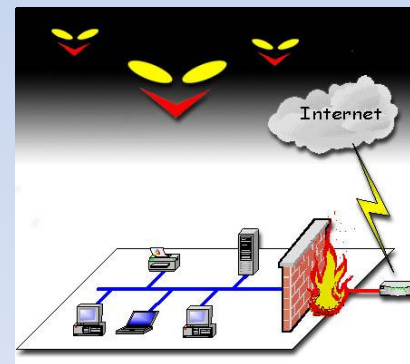
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## Security Measures: Computer protection

Software



**Antivirus**

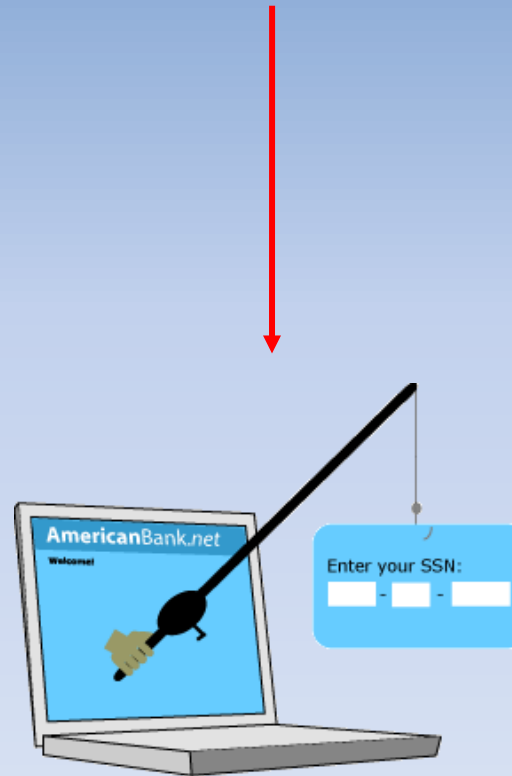


**Firewall**

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## Security Measures: Computer protection

New threat



Phishing

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## Security Measures: Computer protection

**Weak ring in the chain of computer security**

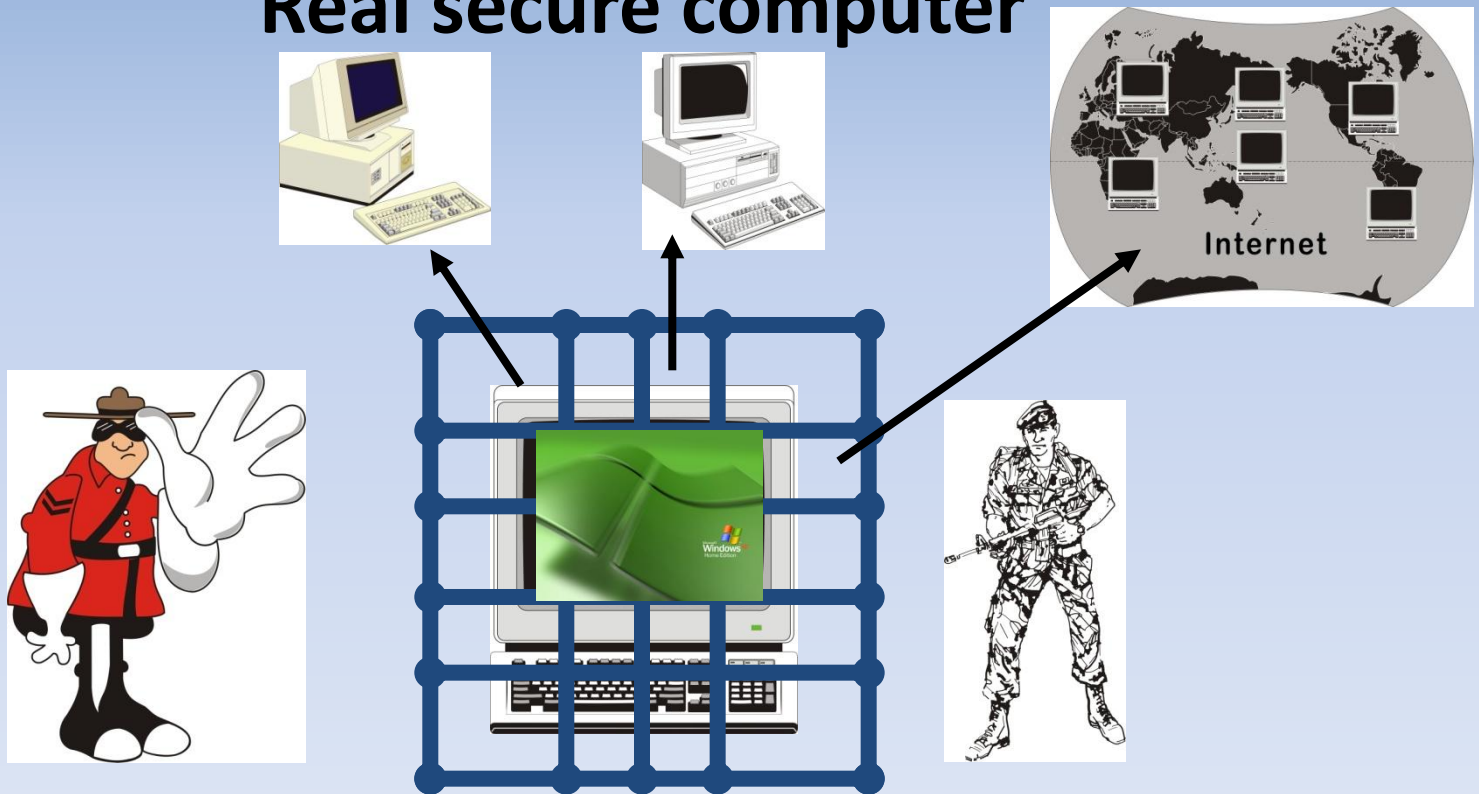




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## Security Measures: Computer protection

### Computer Adage: Real secure computer

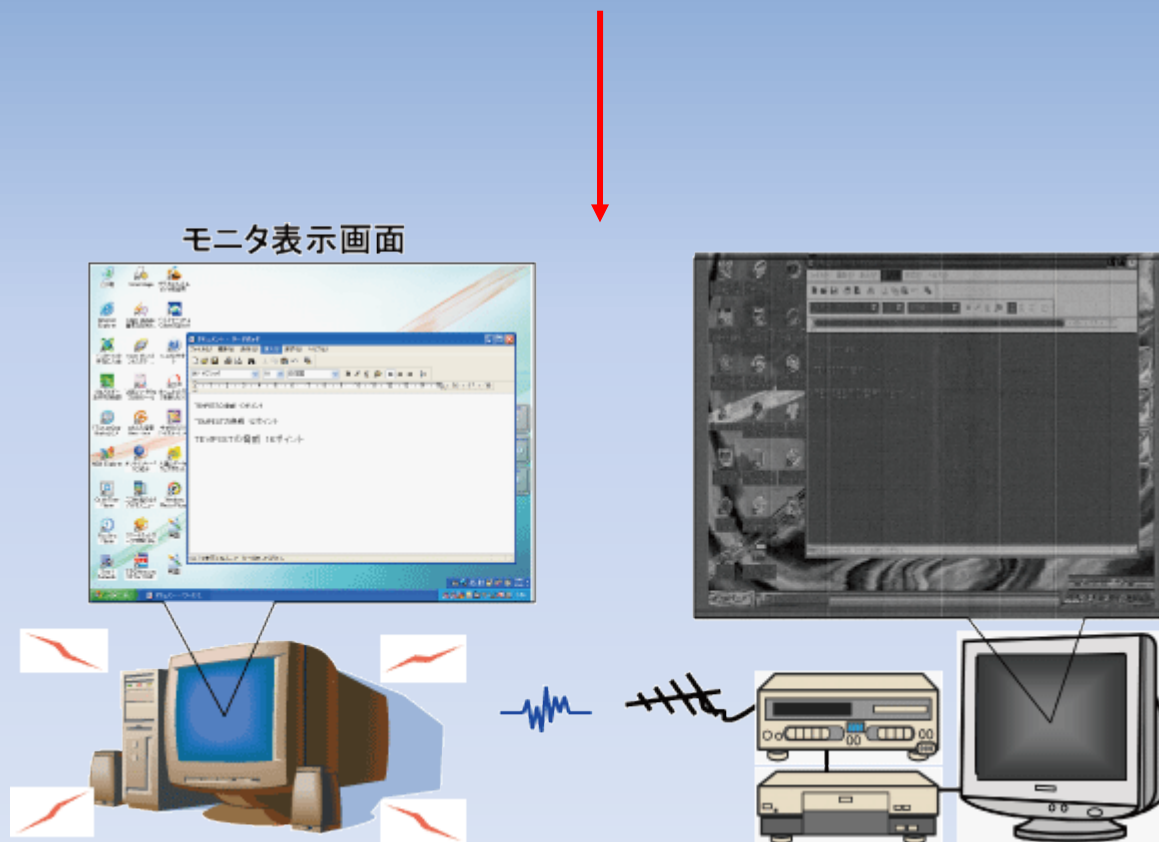


Is PC off

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## Security Measures: Computer protection

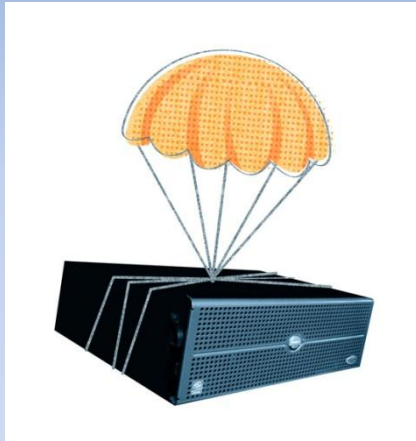
But the PC off is not real secure



Tempest attack

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Security Measures: Steps Computer use  
Protection personal data and work



**Backup**

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## **Security Measures**

### **Processing Data without computer**

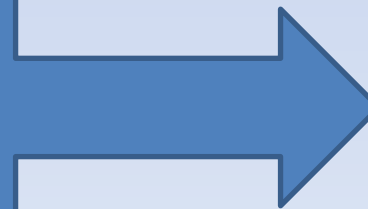
- a) regular update of the specifications concerning scope of the processing operations that may be performed by the individual entities in charge of the processing and/or by the individual organisational departments**
- b) implementing procedures such as to ensure safekeeping of records and documents committed to the entities in charge of the processing for the latter to discharge the relevant tasks**
- c) implementing procedures to keep certain records in restricted-access filing systems and regulating access mechanisms with a view to enabling identification of the entities in charge of the processing.**

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## Security Measures and risks quantization

- Evaluation impact and frequency of each type of risk
- Assignment a value to any risk
- Evaluation measures for the prevention of security risks
- Find:

- ☐ measures which slow unwanted access (Penetration Time)
- ☐ measures that signal unwanted access (Detection Time)
- ☐ measures to facilitate early intervention (Intervention Time)



PT >> DT + IT

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## Data Protection and Data Transmission

### Traditional mode for sending documents



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## Data Protection and Data Transmission

Digital mode for sending documents





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## Data Protection and Data Transmission

**Secure mode for sending digital documents**



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## **Security Measures and Data Protection**

### **Conclusion**

**Communication from the European Commission of 31 May 2006:**

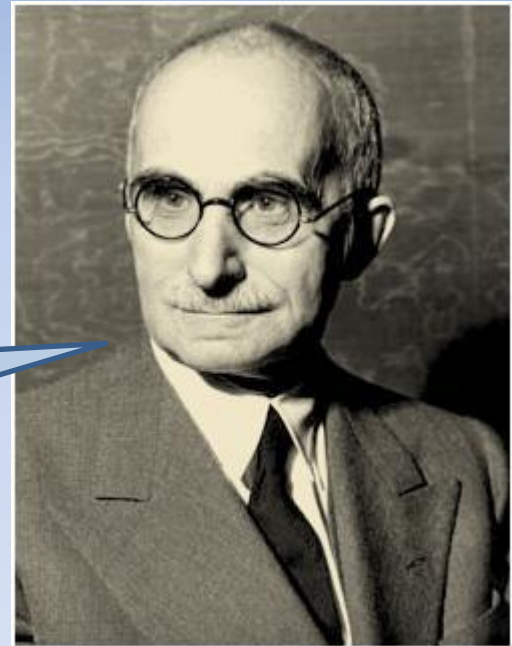
- **promote training programmes in the private sector to provide employees with the knowledge and skills necessary to implement security practices;**
- **promote diversity, openness, interoperability, usability and competition as key drivers for security, and to stimulate the deployment of security-enhancing products and services to combat ID theft and other privacy-intrusive attacks;**

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## Security Measures and Data Protection

### Conclusion

**Justice does not exist  
where there is no  
freedom**



**Luigi Einaudi**

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**The legal Profession and Data Protection**

*Wroclaw 22 September 2011*



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***THANK YOU***

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