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Sent: Friday, October 18, 2019 9:14 AM  
To: privacyframework <privacyframework@nist.gov>  
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Subject: Red Hat, Inc. comments on Draft Privacy Framework

Dear NIST Team,

Please find attached our comments on the latest Draft Privacy Framework. Overall, very encouraged by this initiative. We have some specific suggestions (which are identified by line in the Table) for clarification. With regard to the definitions, we might want to have a quick call to go over some of the points we've highlighted in the submission.

All the best, Mark

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This is a Message from:

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# Red Hat

**Response of  
Red Hat, Inc. (“Red Hat”)**

**to the Preliminary Draft “NIST Privacy Framework:  
A Tool For Improving Privacy Through  
Enterprise Risk Management”**

**(posted September 6, 2019)**

**Published by the National Institute of Standards and Technology (“NIST”) at:  
[https://www.nist.gov/sites/default/files/documents/2019/09/09/nist\\_privacy\\_framework\\_preliminary\\_draft.pdf](https://www.nist.gov/sites/default/files/documents/2019/09/09/nist_privacy_framework_preliminary_draft.pdf)**

**[October 18, 2019]**

Red Hat appreciates the opportunity to comment on the above-referenced matter. Red Hat is a leading provider of open source software solutions, using a community-powered approach to deliver resilient and high-performing cloud, Linux, middleware, storage and virtualization technologies.

Red Hat has a deep interest in this area. Our customers are demanding high-quality, trusted and affordable technology solutions that are found throughout mission-critical systems in the financial, transportation, telecommunications and government (civilian and defense) sectors in the United States and around the world. Red Hat is recognized as one of the world's most innovative companies.

<sup>1</sup>

## **Introduction**

We recognize that NIST has already provided specific guidance on cybersecurity best practices through its Framework for Improving Critical Infrastructure Cybersecurity, which was most recently

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<sup>1</sup> See Forbes, “The World’s Most Innovative Companies”, 2018, found at: <https://www.forbes.com/companies/red-hat/>.

updated in April 2018 (the “Cybersecurity Framework”).<sup>2</sup> Robust security practices and controls are crucial for protecting individuals’ privacy, and therefore, cybersecurity tools should serve as an integral part of a successful Privacy Framework. To that end, we have urged the advancement of a reasonable, risk-based<sup>3</sup> Privacy Framework in which effective security principles are incorporated as a key component (and thereby enable consistent risk management across both data protection and cybersecurity). In our view, this Draft Framework has taken strong steps to achieve that goal.

We offer a number of suggestions below to clarify and improve the Draft Framework.

| <b>Ref to Draft White Paper: Line</b> | <b>Comment</b>   |
|---------------------------------------|--|
| 124                                   | Would rephrase for clarity and better alignment with the Cybersecurity Framework: Organizations also may not fully realize the risk and consequences associated with individuals’ privacy. |
| 196-201                               | Question: Should there be a reference to taxonomy? Line 135 reads “common language”  |
| 232                                   | Add at end of sentence for clarity: ...their privacy was intruded on or surveilled   |
| 238                                   | Add at end of sentence for clarity: ...from data processing  |
| 239-240                               | Add at end of sentence for clarity: ...it can assess the impact should a problematic data action occur. This Privacy Impact assessment.  |
| 243                                   | Add at end of sentence for clarity: ...and regulatory fines and penalties  |
| 244                                   | Question: This is the first mention of “brand”. Should be also referenced in the executive summary.  |
| 252                                   | Add the following for clarity: In general, privacy risk and privacy impact assessments should produce...   |
| 607                                   | Add at end of sentence for clarity: ...trade-off, mitigation,  |

<sup>2</sup> National Institute Of Standards And Technology, FRAMEWORK FOR IMPROVING CRITICAL INFRASTRUCTURE CYBERSECURITY, VERSION 1.1 (April 16, 2018), available at <https://nvlpubs.nist.gov/nistpubs/CSWP/NIST.CSWP.04162018.pdf>.

<sup>3</sup> Effective privacy solutions require an integrated approach to data security, including practices that promote interoperability and data sharing to enable effective threat analysis. Privacy and security frameworks must promote technology neutral, risk-based solutions that encourage accountability, innovation, and efficiency. It is essential that the Privacy Framework should reflect this general approach.

|                                       |  |
|---------------------------------------|--|
| 683                                   | Should this be before the Venn diagram? Doing so would go further to explain the reason for ID-P, PE, RS, and RC   |
| Appendix B<br>Glossary at<br>line 687 | Comment and suggestion for definition of “privacy breach”: it does not appear to fully align with how such terms are characterized in legislation. Examples of such terms include "data processing" and "privacy breach." Perhaps use of different terms (e.g., "privacy incident") might help to avoid unnecessary confusion. |

Red Hat looks forward to collaborating with NIST as it reviews the comments received and considers how to expand on this important effort. In particular, NIST and the public would be well served to highlight how to effectively implement through operational examples and repository of experiences (in a variety of sectors) via workshops, webcasts, etc. as a follow on. This should include leveraging concrete operational accomplishments with the Cybersecurity Framework.

Once again, we appreciate this opportunity to provide our comments on this Draft Framework. Please do not hesitate to contact us if we can provide further information or answer questions.

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