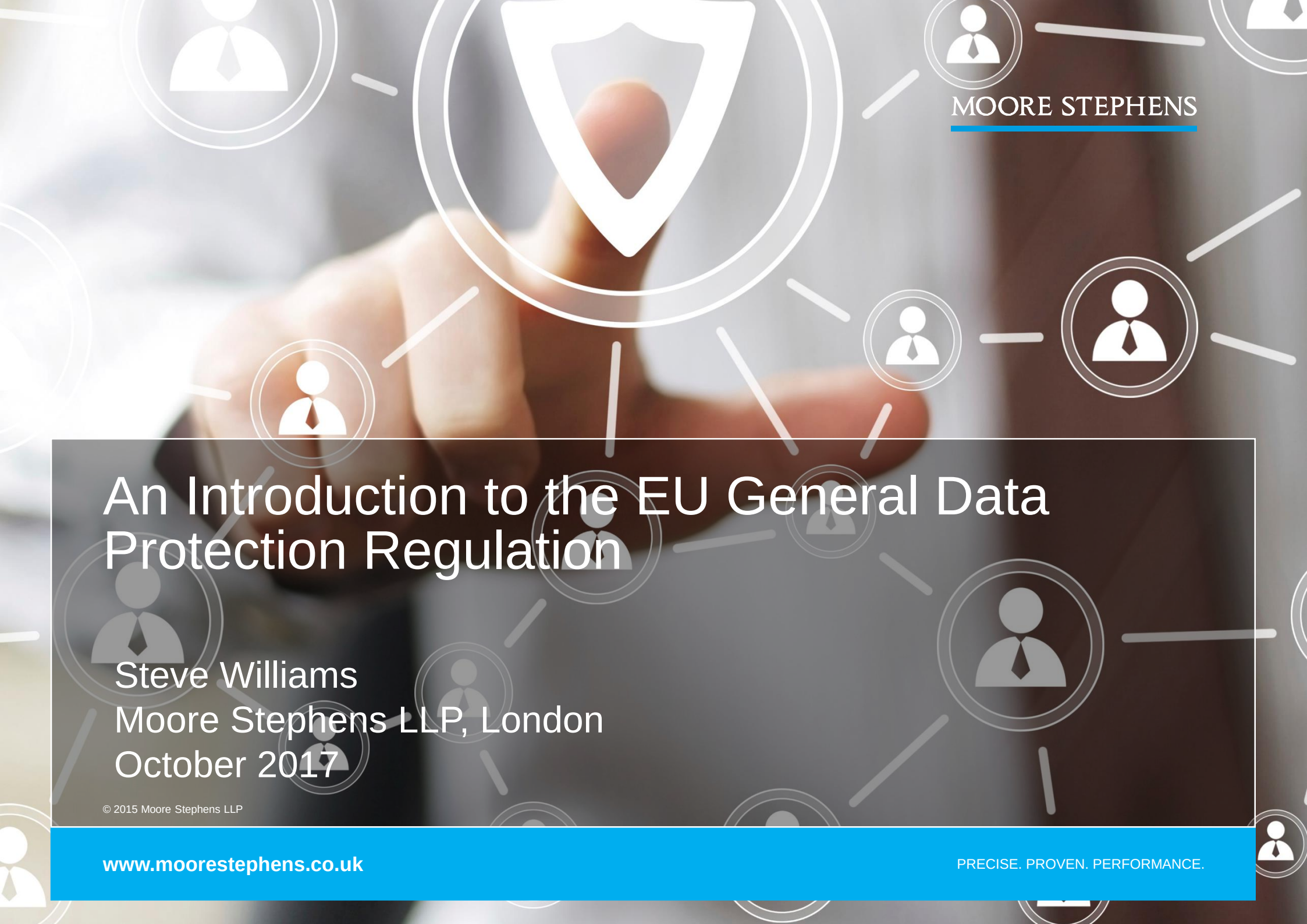

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An Introduction to the EU General Data Protection Regulation

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Why is privacy important?

- Technological change – affecting customer experience more and more
- Individuals requiring more assurance that their personal data is secure
- Reputational damage
- Information held considered to be highly sensitive information

The European General Data Protection Regulation (“GDPR”)

- Adopted by European Commission in 2016
- Dubbed biggest shake up of data protection laws for 20 years
- Organisations will have until 25 May 2018 to fully comply with the new GDPR regulations
- Non compliance could result in considerable fines being issued
- Designed to strengthen and unify data protection for individuals within the EU..

GDPR considerations

Increased territorial scope	• Captures organisations processing or handing personal data residing inside the European Union.
Penalties	• Put simply if an organisation gets this wrong they could be fined up to 4% of their annual global turnover or €20 million – whichever is greater. • Worst case scenario.
Data processors	• Data processors will also be liable to fines and will be asked to meet a number of obligations under GDPR. • Data controllers need to be aware of third party data processors in that process data on their behalf.

GDPR considerations (continued)

Consent

- Conditions surrounding consent have been strengthened.
- No longer allowed to use legal jargon – consents must be provided in an accessible form using clear and plain language.
- Consents must be as easy to withdraw as they were to give.

Breach notification

- Mandatory under GDPR.
- Breaches must be reported to regulatory authority and stakeholders within 72 hours of when the breach was discovered.
- Data processors must report to data controllers without ‘undue delay’.

GDPR considerations (continued)

Data portability	• Data subjects have right to request data held on them in a commonly used and machine readable format. • Can now transfer to other “data controllers”.
Right to access	• Data subjects have right to confirmation from data controller that their personal data is being processed, where and for what purpose. • Such requests must be provided free of charge. • New timescales for such requests under GDPR.
Right to be forgotten	• Data subjects now have the right to be forgotten. • Third party data processors need to be considered. • Consent withdrawn or no longer holding data for specific purpose it was collected.

GDPR considerations (continued)

Privacy by design	• Data protection must be considered at the design stage of a new system implementation. • Risks and controls need to be considered. • Privacy impact assessments.
Data protection officers (“DPO’s”)	• Internal record keeping requirement. • Every organisation must have an individual designated with the responsibility of data. • A DPO will become mandatory in some cases.

Conclusion

- Privacy regulation is changing
- It’s evolution not revolution
- There’s a lot to be done
- There’s a lot of support available
- Focus on:
  - Transparency
  - Accountability
  - Culture
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