

General Data Protection Regulation

Cranleigh Chamber of Commerce

14th March 2018

General Data Protection Regulation

- What is the GDPR?
- Why do we have it?
- What difference does it make?
- What about Brexit?
- So what do I need to do?

What is the GDPR?

- Regulation rather than Directive
- In force 25th May 2018

Why do we have it?

- Technological advances
- Increasing focus on privacy
- Variations in national approaches

What difference does it make?

- “The biggest change to data protection law for a generation”
 - Information Commissioner, 25 May 2017
- “The new regime is an evolution in data protection, not a total revolution. GDPR is building on foundations already in place for the last 20 years”
 - Deputy Information Commissioner, 25 August 2017

What difference does it make?

“Many of the principles in the new legislation are much the same as those in the current DPA. If you are complying properly with the current law, and have an effective data governance programme in place, you are already well on the way to being ready for GDPR. But there are important new elements, and some things will need to be done differently.”

What difference does it make?

- Definition of personal data
- Data protection principles
 - Fair and lawful processing
 - Specified and lawful purposes
 - Adequate, relevant and not excessive
 - Accurate and up to date
 - Not kept for longer than necessary
 - Respecting rights of data subjects
 - Data security
 - Transfers outside EEA

What difference does it make?

- Geographical reach
- Data processors
- Notification
- Privacy by design and default
- Impact assessments

What difference does it make?

- Consent
 - Must be given for one or more specific purposes

Consent

any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her

What difference does it make?

- Privacy policy

Privacy Policy

- More detailed information
- Clear, concise, intelligible language
- Readily accessible

Privacy Policy

- Identity and contact details of data controller
- Contact details of DPO (if applicable)
- Categories of data processed
- Source of data, including any public sources
- Purposes and legal basis for processing
- If relying on “legitimate interests”, what they are
- If data will be shared, the recipients/categories of recipient
- Details of any transfers outside Europe including how data will be protected and how individuals can obtain copies of safeguards e.g. transfer agreements

Privacy Policy

To the extent necessary to ensure fair and transparent processing:

- Data retention period (or how it will be determined)
- Individuals' rights, including right to make subject access request, rectification/erasure, object to marketing, port data
- If relying on consent, right to withdraw it
- Right to complain to supervisory authority e.g. ICO.
- Whether providing data is contractual or statutory requirement and any consequences of not providing it;
- Whether any automated decision making and consequences of that processing

What difference does it make?

- Reporting data breaches
- Rights of data subjects

Rights of data subjects

- Right to object
- Right to be forgotten
- Right to restrict processing
- Subject access requests
- Data portability
- Automated decision making

What difference does it make?

- Subject access requests
- Data Protection Officer
- Increased penalties

What about Brexit?

- GDPR in force 25th May 2018
- UK leaves EU 29th March 2019
- 8th data protection principle
- Data Protection Bill

So what do I need to do?

- Data protection audit
- Data protection policy
- Privacy notices
- Consent
- Data security and reporting of breaches
- Impact assessments

So what do I need to do?

- Data Protection Officer
- Information security policy
- Subject access requests
- Objections, right to be forgotten and data portability
- Awareness and training

Any questions?

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Thank you