

A CONCISE INTRODUCTION TO GDPR



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Table of Contents

Introduction and History of the GDPR

Who is Affected

Data Protection Principles

Fair, Lawful and Transparent Processing

Purpose Limitation

Data Minimisation

Accurate and up to date

Retention Periods

Data Security

Accountability and Demonstration

Key Definitions

Personal Data

Data Breach

Processing

Data Controller

Data Processor

Consent

Data Subject Consent under the GDPR

Rights of Data Subjects

Right to be Informed

Right of Access

Right of Rectification

Right to Erasure (the “right to be forgotten”)

Right to Restrict Processing

Right to Data Portability

Right to Object to Processing

Rights regarding Automated Decision Making

Obligations of Data Controllers and Processors

Pros and Cons of the GDPR

Introduction and History of the GDPR

The General Data Protection Regulation (the “GDPR”) is a regulation created and adopted by the European Parliament in April 2016, and will come into force on 25 May 2018. The GDPR will apply to each EU member state, with the objective that data protection regulation will be universal within the EU.

Previously, data protection matters were governed at a national level, which differed greatly from state to state. There was also the European Data Protection Directive that was adopted in 1995 to establish a common framework for data protection governance. However a lot has happened between 1995 and 2018 in terms of technology and how society uses it. Therefore, a new legislation was needed to bring the legal system up to speed with current practices.

The GDPR will change the way in which we both think about and use data for our businesses and organisations and how we use that data. The objective of the regulation was to give more power to the citizens over their data and to make organisations more responsible and accountable around their personal data use, which many organisations need to exist.

Who is Affected

The GDPR serves to protect the personal data of the citizens of the European Union and their rights as data subjects, and applies to every business, organisation, hotel, pub, sports club or charity that uses personal data. In today's world it is incredibly difficult to operate any sort of organisation beyond a simple brick and mortar shop without processing some form of data processing taking place. This could be something as simple as having a CCTV camera in place in your store, to having a marketing mailing list, to even essential employee details.

The GDPR does not apply to private individuals, so having a CCTV camera to protect your own home, or having your own address book on your phone will not be subject to the data protection principles of the GDPR. The regulation only applies to organisations processing personal data.

Some may think that because the regulation increases the obligations and responsibilities for organisations in how they collect, process and protect personal data from EU citizens, that if they are based outside of the EU they are exempt from this regulation. Unfortunately this not the case. If your organisation offers goods or services to EU citizens, or monitors the behaviour of EU citizens, the GDPR applies to you. If found in breach of the GDPR or mishandle data, you may still face fines or sanctions, and be prevented from conducting trade within the EU. Some may also think that if the data is processed outside of the EU, or if the processing is conducted by a third party on their behalf, that they are also exempt, but again this is not the case.