

GDPR provides increased privacy for individuals and gives increased powers to regulatory authorities to take action against data controllers and data processors who don't comply with it.

## Deadline for compliance

25th May 2018

## Tougher Penalties

Fines of up to 4% of annual worldwide turnover or €20 million – whichever is greater

## Wider Remit

- GDPR applies to all organisations worldwide who: (1) provide goods and services to individuals within the EU (including free of charge); or (2) monitor those individuals behaviour
- Data processors now have direct regulatory obligations
- Definition of "personal data" extended to include identifiers such as: (1) genetic; (2) mental; (3) cultural; (4) economic; and (5) social identity

## Increased rights for individuals

- Right to be forgotten and erased from records
- Right to request a copy of personal data in a commonly used portable electronic format
- Consent means a clear statement or affirmative action which is freely given, specific, informed and unambiguous
- Parental/guardian consent required to process children's data
- Reduced time frame for controllers to respond to subject access requests and no ability to charge for such requests

## Changes for data controllers

- Accountability – need to demonstrate compliance
- Mandatory appointment of data protection officers for certain data controllers
- Mandatory privacy impact assessments in certain situations;
- Privacy by design is required
- Data breaches must be reported within 72 hours of becoming aware of the breach (unless low risk to individuals rights)
- No need to register with data protection authority

## Harmonisation

- Increased co-operation and consistency between EU regulators
- A 'one stop shop' for data controllers across the EU

## For further information

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