

TOP TEN GDPR ISSUES

May 2018 sees the biggest change in data protection law in a generation come into effect. These are our top 10 key data protection issues of which you need to take note.

Fines

Fines will increase from a maximum of £500,000 to the higher of €20m or 4% of worldwide turnover.

Right to be Forgotten & Issues of Consent

Data subjects will be given the right to insist that a data controller erases all personal data regarding that data subject.

Data Security Breaches

Data security breaches have to be reported to the Information Commissioner's Office ("ICO") without undue delay and in any event within 72 hours of becoming aware of the breach, where feasible.

Data Protection Officers

Businesses should designate a Data Protection Officer to take responsibility for data protection compliance and assess where that role will sit within the business' structure and governance arrangements.

Data Processors

Data processors will now have specific duties under the new law and will be exposed to the possibility of regulatory fines for non compliance.

Notification & Records of Processing

Data controllers no longer have to register with the ICO. Instead there will be a requirement to maintain records of processing activities. In addition, data processors must also keep records of such activities.

Data Protection by Design and by Default

Privacy by design means building in appropriate measures when developing new products, services or other data processing activities. Privacy by default means ensuring that all sectors of the business are familiar with data protection issues and that specific procedures are introduced across the business' practice to help comply with the spirit and the letter of the law.

Subject Access Requests

Data subjects continue to have a right to ask a data controller for details of the information that the controller holds about them. The time period for complying with a subject access request will now be "without undue delay and, at the latest, within one month" (previously it was 40 days), which can be extended. Data controllers can no longer charge a £10 fee.

Harmonisation & the "One-Stop-Shop"

One of the main aims of the new law was to create a "one-stop shop", meaning that it will be easier for companies, big and small, to trade freely within the EU member states. Businesses will only have to comply with one uniform law, rather than incur costs by complying with 28 different data protection laws.

Jurisdictional Scope

The jurisdictional scope of the laws will affect businesses outside of the EU as well as those within.

GET IN TOUCH

For further information, please contact Matthew Holman whose details are below.



MATTHEW HOLMAN
PRINCIPAL

0345 074 2433
matthew.holman@emwllp.com

The information contained in this document is for general information purposes only and should not be relied on in isolation without seeking further legal advice that is specifically applicable to your circumstances.