

Introduction to the GDPR



Marketing Lancashire
20 February 2018

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What I will be covering

- **Introduction to the GDPR**
- **Direct marketing and PECR**
- **4 steps to compliance**
- **What you should be doing now**

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Introduction to the GDPR

25 May 2018

- **Harmonisation** across Europe
- **Enhanced** personal privacy rights
- **Increased** duty for protecting data
- **Mandatory** breach reporting
- **Significant** penalties for non-compliance

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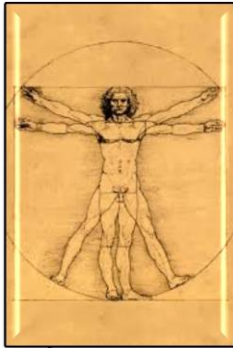
Who does the GDPR affect?

- All organisations processing personal data of EU residents
- No need for presence in EU
- No exemptions for size
- **EVERYONE!!**

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Personal data

The GDPR **only** applies to information which:



relates to an
**identifiable, natural
living person**; and



is held in an
automated system or
within a **filing system**

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Controllers and Processors



Controller

- Usually the person who obtains the data, and controls what is done with it
- Direct obligations to ICO and data subjects under DPA and GDPR



Processor

- A person who performs processing on behalf of a data controller
- No direct obligations under DPA to either the ICO or data subjects; New direct obligations under GDPR

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Lawful processing



Performance of a contract



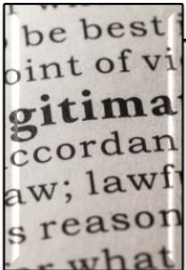
Compliance with legal obligation



Protection of vital interests



Performance of public interest task or official authority



Legitimate interests pursued by the controller or by a third party



Consent

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The key changes



Data Subject Rights



Controls and Notification



Transparent Policies



Training and internal reviews



Penalties for getting it wrong



Consent

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Direct Marketing and PECR

GDPR treats direct marketing **exactly the same**
as any other processing

BUT

Privacy and Electronic Communications
Regulation 2003 (PECR) and proposed new
ePrivacy Regulation **augment** GDPR with
additional requirements in respect of the
sending of certain electronic communications

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What constitutes valid consent?

Under the GDPR consent **must** be:

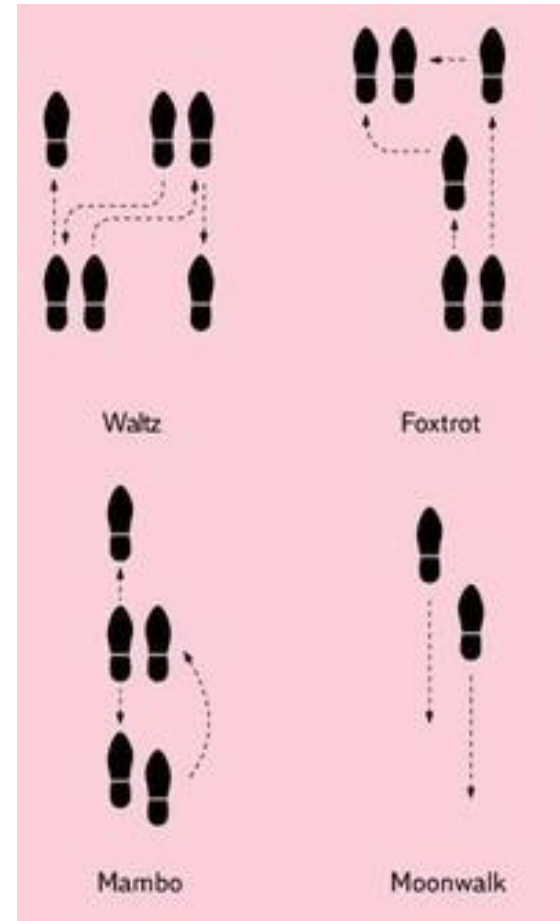
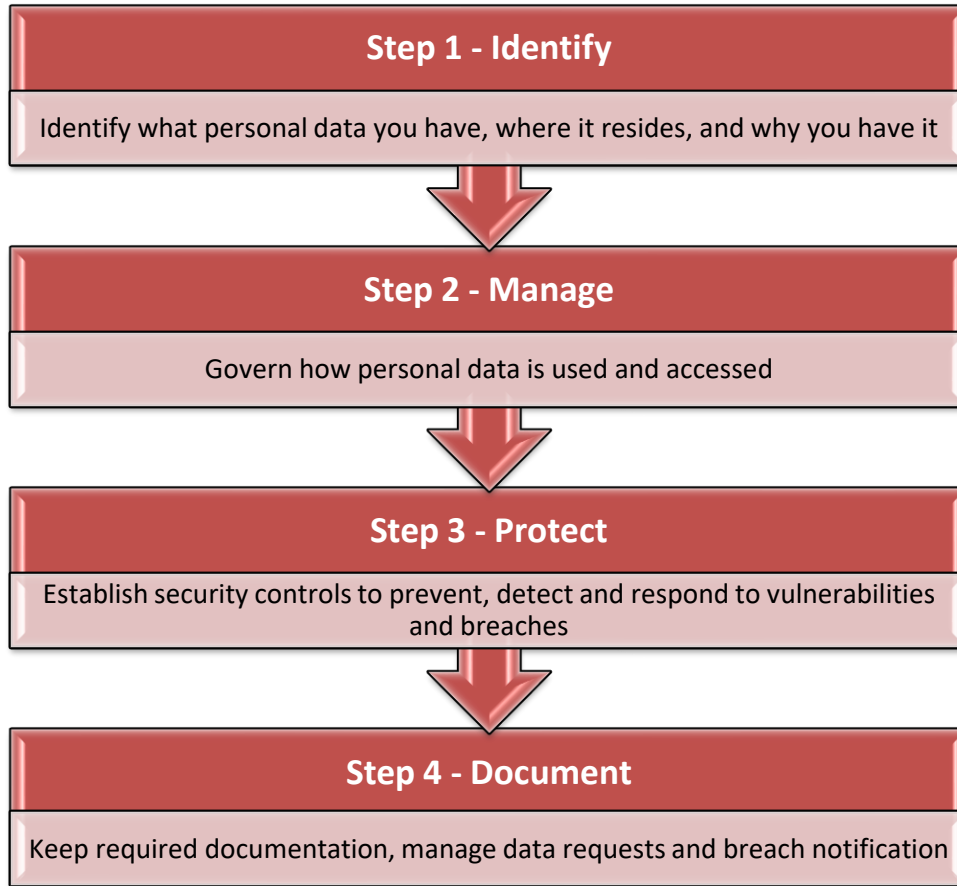
- Freely given
- Specific
- Informed
- Unambiguous indication of wishes; and
- By statement or clear affirmative action

Pre-existing consent is still valid **if** it meets the above criteria

**If you cannot demonstrate consent,
then you do not have it!**

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The four steps to compliance



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What should you be doing now?

- **Understand** how your organisation processes personal data
- **Repaper consent** if your current consent does not meet GDPR requirements
- Ensure that personal information notices or privacy policies are **clear and transparent**
- Ensure that **contracts with third party data processors** contain adequate protection
- **Review internal policies and procedures** as to how personal data is held
- Provide **appropriate training** to any individuals who handle personal data

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