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General Data Protection Regulation (GDPR)

An overview on complying with the new legislation and how we can help your business

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May 25th 2018 sees the General Data Protection Regulation (GDPR) come into effect

This much talked-about piece of legislation is likely to affect most individuals and businesses within the EU. Yet there's still a lot of uncertainty and misinformation about what it actually does and what businesses need to do to be compliant.

With fines for non-compliance as much as €20 million (or 4% of annual global turnover – whichever is greater), businesses need to take the legislation very seriously.

With the deadline now approaching, many are still unsure about how the GDPR will affect their businesses in practice.

If this sounds like you, read on for some tips and information to help you get compliant. For greater detail and assistance in becoming complaint, just get in touch with us and we'll be happy to help.

What's covered by the legislation?

Simply put, the GDPR is a set of European privacy regulations which update the UK Data Protection Act (DPA).

The DPA was introduced in 1998 when the world of digital data collection and storage was a lot less complex, and the GDPR updates that legislation for today's connected world.

Whilst greater privacy may seem like good news for EU residents on a personal level, the news has put businesses on a race against time to meet the legislation's extensive requirements.

Who's affected?

In a nutshell, the GDPR regulations apply to all businesses that handle or store personal data. This includes data such as:

- Names
- Addresses
- Bank Details
- E-mail Addresses
- IP Addresses
- Medical Information
- Social Media Posts
- Photos & Location Details

If you collect this information via your company's website, make sure that your site is complaint and that your information is protected.

Let’s look at the user’s rights in a little more detail

We’ve used the Information Commissioner’s Office guidelines as a basis for this overview.

Visit their website for more in-depth insight.

https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/

The right **to object**

Individuals will have the right to object to their personal data being processed based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling); direct marketing (including profiling); and processing for purposes of scientific/historical research and statistics.

The right **to restrict processing**

The GDPR legislation allows individuals to block or suppress processing of personal data. When processing is restricted, businesses are permitted to store the personal data, but not process it further. Businesses can however gather just enough information about the individual to ensure the restriction is respected in future.

The right **of access**

The right of access means that Individuals now have the right to access their personal data and any supplementary information. Businesses must provide a copy of the information free of charge.

Additionally the right of access allows individuals to be aware of, and verify, the lawfulness of the processing of their information.

The right **to be informed**

The right to be informed means that there's an obligation for businesses to provide 'fair processing information'. This can be done by having a privacy notice, informing the individual as to what will happen to the data collected.

The right **of erasure**

Known as 'the right to be forgotten', this right enables an individual to request the deletion or removal of personal data where there is no compelling reason for it continuing to be processed.

The right **to rectification**

The legislation allows for individuals to have personal data rectified if it is in some way inaccurate or incomplete. If a business has shared data with third parties that is identified as inaccurate, it must inform those third parties, where possible, and inform the individual about the third parties to whom the data has been disclosed.

The right **to data portability**

This clause allows for individuals to obtain and then reuse their personal data for their own purposes across different services. Individuals can therefore move, copy or transfer personal data easily from one IT environment to another safely and securely, without any effect on its usability.

Rights **related to automated decision making including profiling**

This fairly complicated clause has provisions on automated individual decision-making (making a decision solely by automated means without any human involvement);and profiling (automated processing of personal data to evaluate certain things about an individual). The GDPR applies to all automated individual decision-making and profiling.

Take our free website audit today to ensure that you are compliant

Accountability & Transparency

The new regulations also require businesses to demonstrate their ability to handle personal data in a transparent and lawful manner, abiding to the GDPR's guiding principles. Take a moment to read through this list, it's a little complicated but all very important information. The principles state that all personal data shall be:

- **Processed** lawfully, fairly and in a transparent manner in relation to individuals.
- **Collected** for specified, explicit and legitimate purposes, and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
- **Adequate**, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- **Kept** in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest.
- **Accurate** and, where necessary, kept up-to-date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.
- **Processed** in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.
- **Used** in accordance with appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.

Here are a few ways we can help make your website compliant

With our free date audit, we can identify non-compliant procedures and information, and make recommendations to help you solve any issues.

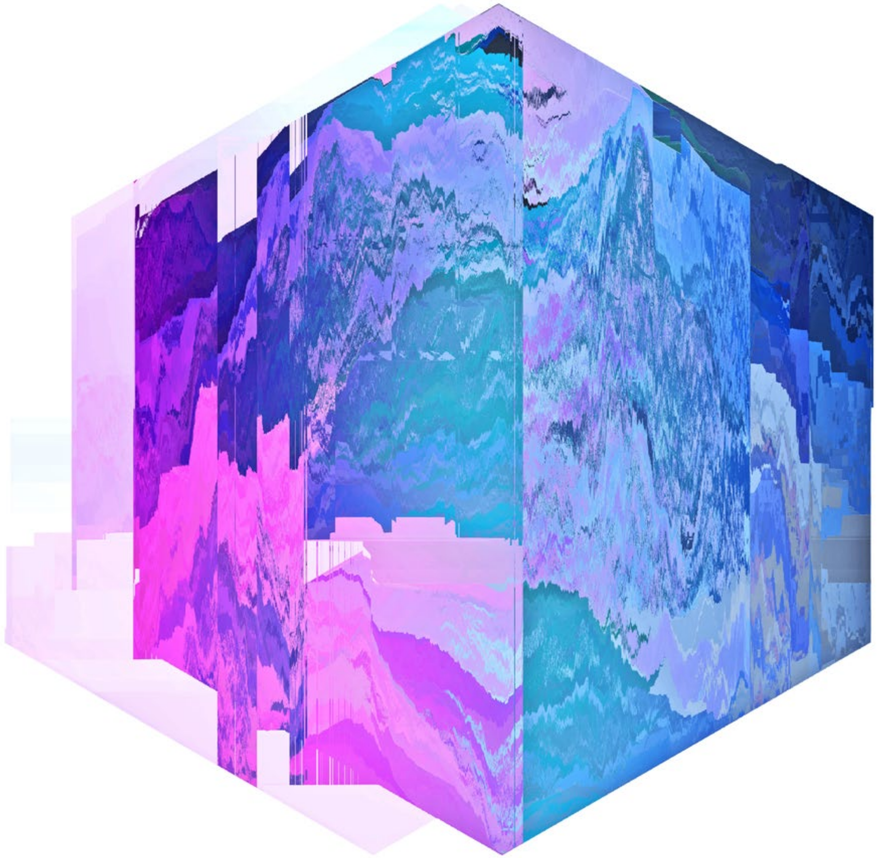
Provide assistance with privacy polices and cookies

Help protect your data with an SSL certificate

Upgrade to the latest content management system

Next steps...

Don't ignore what's coming. Contact our team at support@ph-creative.com and request a free audit. GDPR will soon be something all of us know and comply with. Invest time and resources now to get the grips with what's needed.



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