



DATA
PROTECTION

Doing nothing is not an option!

ARE YOU
READY FOR
GDPR?

PDT Solicitors LLP is a leading specialist commercial law firm who provide business advisory services to a broad range of clients from new businesses to established companies across the UK and overseas.

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**ARE YOU
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GDPR?**

The General Data Protection Regulation (GDPR)

The General Data Protection Regulation (GDPR) is coming into force next year and will introduce important new changes to the current data protection regime. It will have a significant impact on any business that collects, handles, stores or uses data on living individuals.

The penalties for failing to comply with the GDPR are significant, making it much more likely that you will want to review and, where necessary, upgrade your current data protection policies/procedures and processes to ensure you meet the new standards.

Why the need for change?

The basis of our current data protection law is the Data Protection Act 1998 (DPA). However, technological progress and globalisation have profoundly changed the ways in which data can be collected, accessed and used. The GDPR is intended to ensure a common approach to data protection across Europe and to put an end to a haphazard, "tick box" approach to data protection compliance. The GDPR is intended to strengthen individuals' rights, but also to force companies which use peoples' data to think about and clearly explain what they do with peoples' data and why they are legally entitled to do so.

When will the GDPR come into force?


The GDPR was first published in May 2016 and will be applied in the UK from 25 May, 2018. It updates existing data protection law and will apply to all businesses processing personal data of individuals residing in the EU, regardless of the location of the business.

Hold on, I thought Brexit meant we were making our own laws?

Following last year's Brexit referendum, it was considered possible that if we left the Single Market then EU rules on data protection may be replaced by national ones. However, in November 2016, the Government announced that the UK will continue to apply the GDPR's principles post-Brexit in order to secure unimpeded data flows between the UK and the EU, particularly to underpin free trade.

Does the GDPR have more bite than the current DPA?

It certainly does. The current maximum penalty under the DPA is £500,000. However, under the GDPR the maximum penalty for non-compliance is €20M or, if it would be higher, 4% of worldwide turnover. Whilst the penalties are significantly higher under the GDPR, this does not necessarily mean they will be higher in all cases, but it does mean that we are likely to see a greater focus on compliance.



**Prepare now -
GDPR Deadline is
25 May 2018**



The GDPR will apply to every UK employer, all UK businesses, and to non-UK businesses who sell products or services to, or use the personal data of, UK or other EU residents.

How will the GDPR affect UK businesses?

The GDPR will affect every business and public body that uses or handles personal data of UK residents or EU citizens. Personal data is any information about an individual held on a computer or in an organised filing system that could identify the individual, either on its own or together with other information your business or a third party holds. It needs to be protected, kept secure and used only in a manner which respects the individual's rights under the GDPR. This information includes the name of a living individual, his or her email address, telephone and mobile numbers, date of birth and notes written about them (such as an annual performance review or health information).

In simple terms, the GDPR will apply to every UK employer, all UK businesses, and to non-UK businesses who sell products or services to, or use the personal data of, UK or other EU residents. If you are already complying with the existing data protection law, then much of your current approach to data protection compliance will remain valid under the GDPR. However, the importance of the GDPR is that it takes the current approach as a starting point. There are new elements and significant enhancements, so you will have to do some things for the first time and others differently.

What are the main requirements of the GDPR?

The GDPR is similar to the DPA in that it requires data controllers and data processors to comply with a set of principles for processing personal data. Compliance with the GDPR will, however, require greater transparency, a greater focus on the legal basis for processing personal data, more extensive information and policies and a recognition of the extended rights of individuals as data subjects. Importantly, the GDPR requires data controllers to be able to demonstrate compliance with the principles relating to the processing of personal data.

What should we be doing now?

Doing nothing is not an option. You must plan ahead now in order to be compliant by the 25 May 2018 deadline.

This means understanding the data you have, how you have collected it and what you do with it. Your "data health check" should focus on the specific needs of your business to ensure you know what you are dealing with so that you can implement a plan which works for you.

Roadmap to GDPR Compliance

In very general terms, the list of matters to consider when designing a GDPR compliance programme include:



How can PDT Help?

Book your data health check

Our experienced team can help you navigate your way through this complex area of law. As part of our analysis we can help you frame your “data protection checklist” and work with you to come up with a solution which is tailor made for your business.

For more information, please contact our team of GDPR experts. We look forward to hearing from you.



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