What is personal data?

COLLECT
STORE
USE/RE-USE
DATA?

You have to abide by the rules

Process data for other companies?
This is for you too.
Why change the rules?

It’s about trust...
A lack of trust in old data protection rules held back the digital economy and quite possibly your business.

And helping business boom

One set of rules for all companies processing data in the EU

Doing business just got easier and fairer

The new system keeps costs down and will help business grow

New rules should boost consumer confidence and in turn business.
What your company must do

Protect the rights of people giving you their data

- **Communication**
  - Use plain language.
  - Tell them **who** you are when you request the data.
  - Say **why** you are processing their data, **how long** it will be stored and **who** receives it.

- **Warnings**
  Inform people of data breaches if there is a serious risk to them.

- **Consent**
  Consent is one of the legal grounds for processing data (together with contract, legitimate interest, legal obligations, etc).
  If you rely on it, consent should be given by a clear affirmative action.

- **Access and Portability**
  Let people access their data and give it to another company.

- **Safeguarding sensitive data**
  Use extra safeguards for information on health, race, sexual orientation, religion and political beliefs.
Do data protection by design

Build data protection safeguards into your products and services from the earliest stages of development.

Erase data

Give people the 'right to be forgotten'. Erase their personal data if they ask, but only if it doesn't compromise freedom of expression or the ability to research.

Marketing

Give people the right to opt out of direct marketing that uses their data.

Profiling

If you use profiling to process applications for legally-binding agreements like loans, you must:
• Inform your customers;
• Make sure you have a person, not a machine, checking the process if the application ends in a refusal;
• Offer the applicant the right to contest the decision.
• Ensure an appropriate legal basis to carry out such profiling.

Data transfer outside the EU

Check availability of transfer tool like model contract clauses when there is no adequacy decision for the country of destination.

Processing data for another company?

Make sure you have a watertight contract listing the responsibilities of each party.
Check if you need a data protection officer

This is not always obligatory. It depends on the type and amount of data you collect, whether processing is your main business and if you do it on a large scale.

### You process personal data to target advertising through search engines based on people’s behaviour online.
- **Yes**

### You send your clients an advert once a year to promote your local food business.
- **No**

### You are a GP and collect data on your patients’ health.
- **No**

### You process personal data on genetics and health for a hospital.
- **Yes**

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Keep records

SMEs only have to keep records if data processing is

Records should contain:

- ✓ Name and contact details of business
- ✓ Reasons for data processing
- ✓ Description of categories of data subjects and personal data
- ✓ Categories of organisations receiving the data
- ✓ Transfer of data to another country or organisation
- ✓ Time limit for removal of data, if possible
- ✓ Description of security measures used when processing, if possible
Anticipate with impact assessments

Impact assessments may be required for **HIGH-RISK** processing.

- New technologies
- Automatic, systematic processing and evaluation of personal information
- Large-scale monitoring of a publicly accessible area (e.g. CCTV)
- Large-scale processing of sensitive data like biometrics.

The cost of non-compliance

Your local Data Protection Authority monitors compliance; their work is coordinated at EU-level. The cost of falling foul of the rules can be high.

<table>
<thead>
<tr>
<th>Warning</th>
<th>Reprimand</th>
<th>Suspension of data processing</th>
<th>Fine</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>STOP</td>
<td>Up to €20 million OR 4% of global annual turnover</td>
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Need help?

Contact your National Data Protection Authority (DPA)
- Data Protection Authority in Ireland: http://www.dataprotection.ie/
- Data Protection Authority in Malta: http://www.dataprotection.gov.mt/
- Data Protection Authority in the United Kingdom: https://ico.org.uk/ Data Protection

Protect data, protect your business

More on the EU's data protection law europa.eu/dataprotection

Contact Your Data Protection Authority www.edpb.europa.eu

This document should not be considered as representative of the European Commission's official position and does not replace the legislation.