



Privacy. Security. Risk. 2015

#PSR15

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EU GENERAL DATA PROTECTION REGULATION

ASSESSING THE IMPACT AND PREPARING FOR CHANGE



Privacy. Security. Risk. 2015, Las Vegas, September 30

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SESSION OUTLINE

1. **GDPR overview:** state of play, scope of regulation and headline features for business
2. **Thematic discussion:**
 - lawfulness of processing including consent, legitimate interest, automated processing and profiling
 - Data protection by design and default
 - Regulatory approach including the one-stop shop and the application of the accountability principle
 - International data transfers
3. **Q&A:** but you are encouraged to interact with the panel during the session!



BACKGROUND

- General Data Protection Regulation (GDPR) is the **first comprehensive overhaul of European Union data protection rules in 20 years** - it will repeal and replace Directive 95/46/EC
- GDPR will be **directly applicable in all EU Member States**, adopted in EEA, and will replace existing national law implementations of the Directive
- GDPR remains under negotiation but **political agreement is expected in late 2015 or early 2016**, with a subsequent two year transition period before the new rules go live



HEADLINE FEATURES

Worldwide territorial scope: GDPR will apply to data controllers that process the personal data of EU residents, regardless of location



Enhanced rights, additional obligations: new rules on consent, access rights, profiling, impact assessments, data transfers, and much more

One-stop shop: lead authority model, multilateral approach to transnational cases, new European Data Protection Board



Enhanced sanctions: maximum fine levels likely to be between 2% and 5% of global turnover

STATE OF PLAY: TOWARDS 2015 AGREEMENT

“I am convinced that we can reach a final agreement with the European Parliament and the Council by the end of this year.”

Věra Jourová, Commissioner for Justice, Consumers and Gender Equality 15 June 2015



“This reform is a package and we have the firm intention to conclude by the end of this year.”

Felix Braz, Luxembourg Justice minister 15 June 2015



“We think it’s a very good sign that the Council, Commission and Parliament have all committed to agreeing a unified data protection regulation by the end of this year.”

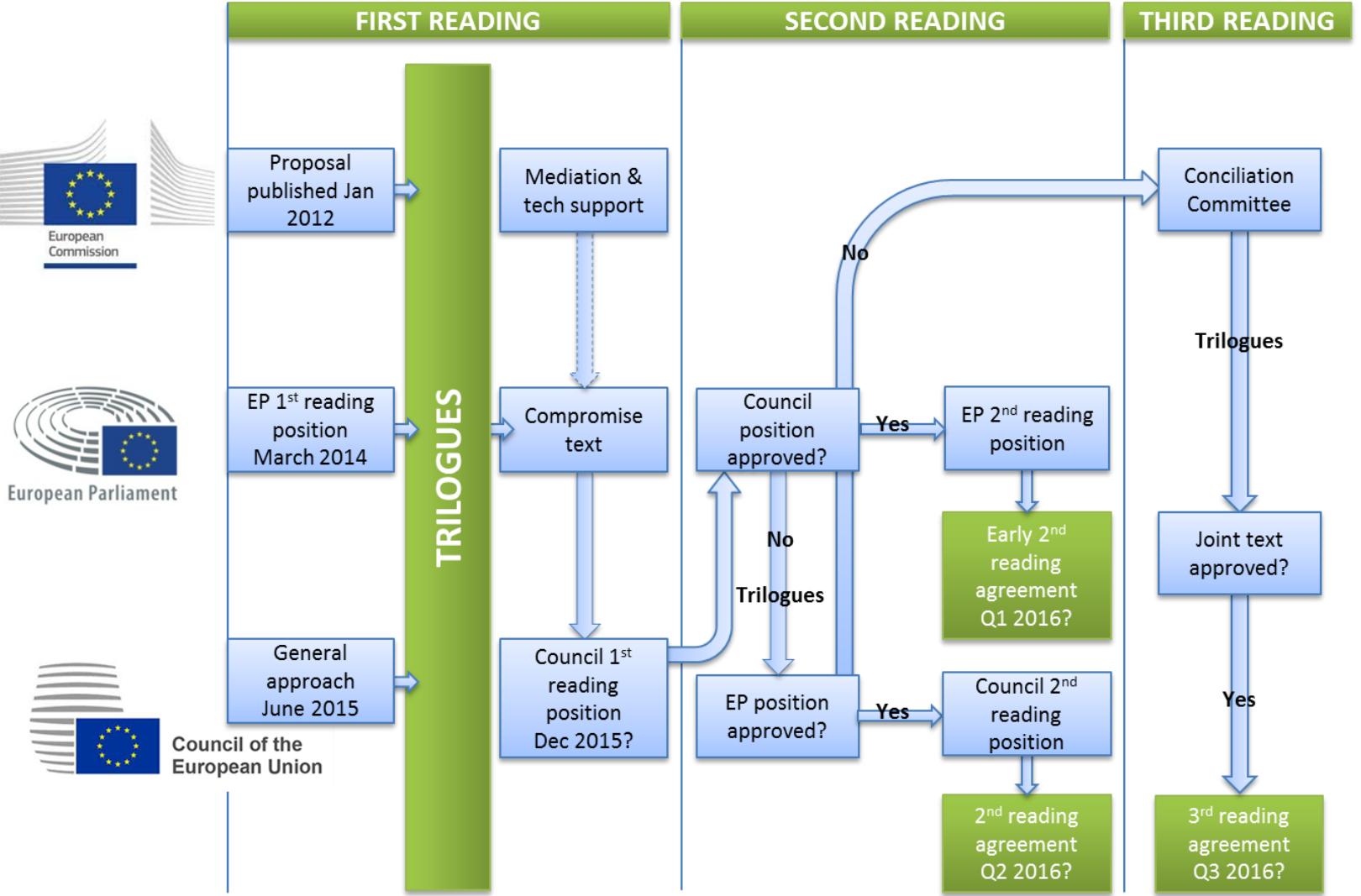
Jan Philipp Albrecht MEP, LIBE committee, 24 June 2015



“The Data Protection package must be adopted by the end of this year.”

European Council conclusions 26 June 2015

PATH TO AGREEMENT



TEN KEY DEVELOPMENTS



Data Protection Officers



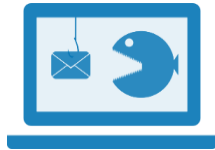
Explicit consent and
lawfulness of processing



Data portability and
access rights



Right to be
forgotten



Data protection by
design and default



Data transfers and the
'anti-FISA clause'

Freedom of
expression and
journalism



Measures based
on profiling



Breach
notifications

Data Protection
Impact Assessments



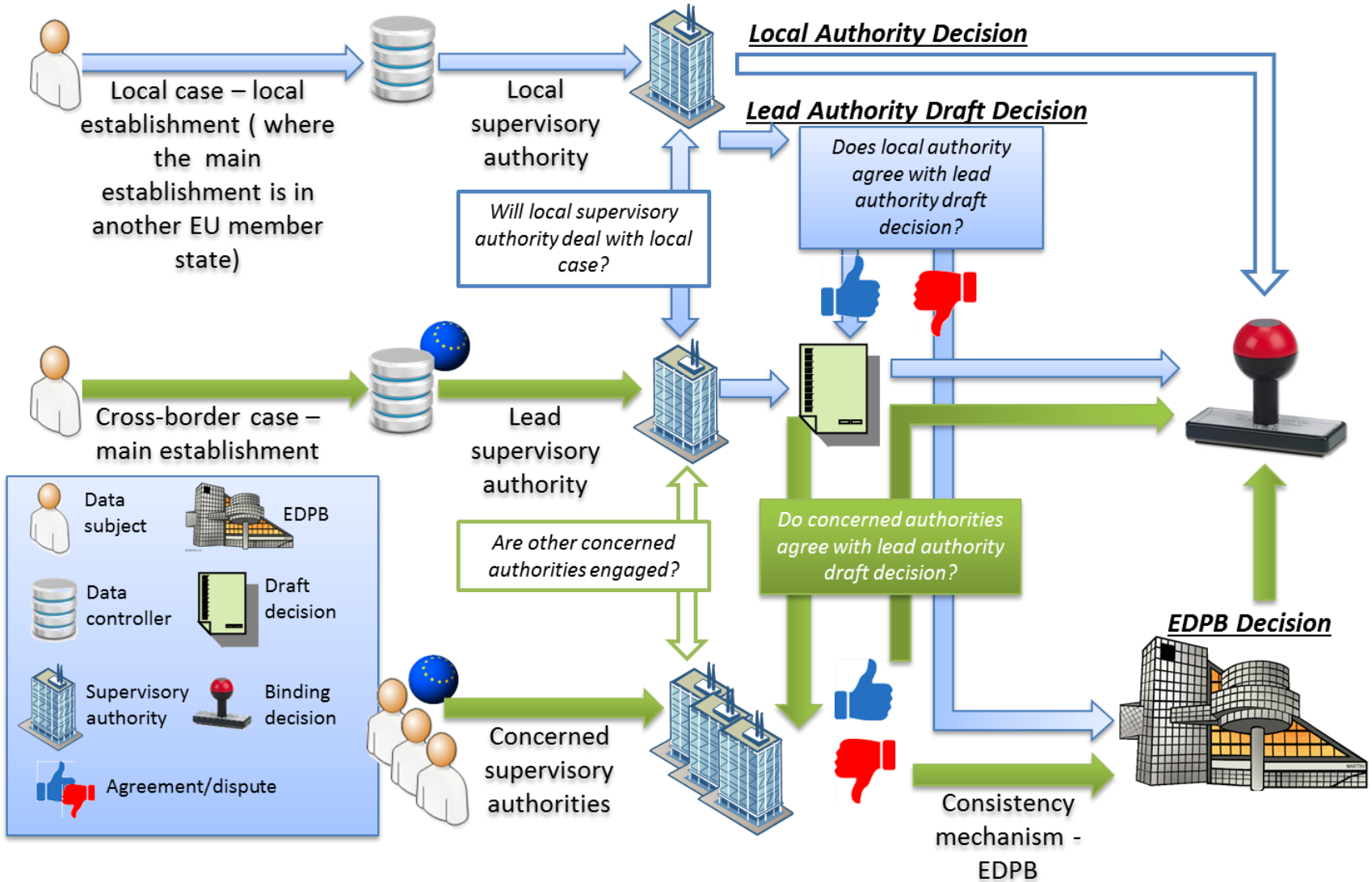
ONE-STOP SHOP: “THE THREE C’S”

Article 51: Competence

Article 54a: Co-ordination

Article 58a: Consistency

A ONE-STOP SHOP?



PLANNING FOR CHANGE

- Identify personal data processing
- **Personal data processing statement**

- Map to impact model
- **Initial impact analysis**

- Develop custom model
- **Bespoke impact analysis**

- Develop change management approach
- **Transition roadmap**

QUESTIONS

