

# New Data Protection Legislation

Wednesday 11th October 2017

See: [www.eu-gdpreducation.eu](http://www.eu-gdpreducation.eu)

**Dai Davis**

**Solicitor and Chartered Engineer**

**Partner, Percy Crow Davis & Co**



Tel: 07785 771 721

E-mail: [mail@daidavis.com](mailto:mail@daidavis.com)

# New Data Protection Legislation

- Why do we have data protection laws
- Data Protection now
- Overview of new legislation
- Relative importance of GDPR obligations
- Preparing for GDPR

# Background to Data Protection

- Where does the legislation come from
- Data Protection Act 1984
- Data Protection Directive 1996
- Data Protection Act 1998
- General Data Protection Regulation (GDPR)
- Enacted: 27th April 2016
- In force: 25th May 2016
- Compliance: 25th May 2018

# Structure of the existing legislation

- Processing of Personal data
- Registration: from where: how processed: to whom given
- Data protection principles
- Act in accordance with registration *and* principles
- Individuals' rights - self policing

# New Data Protection Legislation

- Current state of compliance
- Companies who currently comply
- 100x more obligations
- Future state of compliance
- Companies who will comply
- Old legislation – comply with principles
- New legislation – comply with legislation
  - Contradictory

# Structure of the new legislation

- Transparency by informing individuals
  - What data is collected
  - Individuals rights
- Individuals enforce rights
- More enforcement by ICO?
  - Current regime of reporting
  - Future regime of reporting
- Enforcement by corporate litigation

# GDPR Topics

- Privacy by design and by default
- Rights to obtain data and have it rectified
- Rights to object to data profiling and direct marketing
- Right to be forgotten
- Right to data portability
- Breach notification
- Revised principles, e.g. security

# Relative Importance of Obligations

- Important
  - Right to data portability
  - Informing data subjects of rights
  - Rights to obtain data and have it rectified
- Less important
  - Right to be forgotten aka right to data erasure
  - Breach notification
  - Rights to object to data profiling and direct marketing



# GDPR Enforcement

- Extraterritorial reach
  - Amazon, Google, Facebook
- Some fines *higher* of 2% of annual turnover or €10,000,000, e.g. consent to processing of child data
- Maximum fine of *higher* of 4% of annual turnover or €20,000,000
- e.g. principles, consent
- €500,000,000 turnover

# How can you comply?

- Conflicts in the legislation
- Retention of data
- More copies for resilience
- Fewer copies to achieve privacy by design, data erasure
- Encrypt

# GDPR: The Travel Industry

- Most pressure for compliance from customers cf: internally
- Data minimisation, pseudonymisation
- DPO where core activities involve “large scale processing”
- Data impact assessment where high risk to the rights and freedoms of natural persons

# New Data Protection Legislation

Wednesday 11th October 2017

See: [www.eu-gdpreducation.eu](http://www.eu-gdpreducation.eu)

**Dai Davis**

**Solicitor and Chartered Engineer**

**Partner, Percy Crow Davis & Co**



Tel: 07785 771 721

E-mail: [mail@daidavis.com](mailto:mail@daidavis.com)