



Are you **GDPR** ready?

Preparing for the General Data Protection Regulation (GDPR)

A man in a dark suit, white shirt, and dark tie is shown from the chest up. He is pointing his right index finger upwards. Overlaid on his chest is a large white rounded rectangle with a dark red border containing the text 'GDPR'.

GDPR

A dark red speech bubble icon with a white outline, containing the text 'GREAT TIPS INSIDE' in white uppercase letters.

GREAT
TIPS
INSIDE

Information and resources to help your business get **GDPR** ready ahead of 25th of May 2018

Preparing for the General Data Protection Regulation (GDPR)



On the **25th of May 2018**, the General Data Protection Regulation (GDPR) will come into effect in the UK. It can seem quite confusing and daunting as to what exactly is required with all the information being circulated.

We have put together a brief **guide*** highlighting some of the common questions and how your business should start preparing for the GDPR.

The Government have confirmed that the UK's decision to leave the EU **will not** affect the initiation of the GDPR, so organisations should start preparing now to ensure compliance in good time.



** Please note that this guide is for informational purposes only, and should not be relied upon as legal advice.*

We encourage you to work with legal and other professionals to determine how the GDPR might apply to your organisation.

What is the GDPR?



The **EU General Data Protection Regulation (GDPR)** is the most significant piece of European privacy legislation in the last 20 years.

It replaces the [1995 EU Data Protection Directive](#), strengthening the rights that EU individuals have over their data, seeking to unify data protection laws across Europe and will come into force on the 25th of May 2018.

Whilst this may seem a long way off it is important that you consider the implications for your organisation and start preparing immediately. It is crucial to plan your approach to GDPR compliance now and to gain 'buy in' from key people within your organisation. You may need, for example, to put new procedures in place to deal with the GDPR's new transparency and individuals' rights provisions. In a large or complex business, this could have significant budgetary, IT, personnel, governance and communications implications.

In order to assist, we have put together this brief guide for you – further information can be found at the [ICO website](#)

We would recommend that should you have any doubts as to what your obligations are that you consult an appropriate professional service.

Will it affect my business?

The simple answer to this is **YES** if you control or process any personal data.

What information does the GDPR apply to?



The ICO defines the data as:-

Personal data

Like the DPA, the GDPR applies to 'personal data'. However, the GDPR's definition is more detailed and makes it clear that information such as an online identifier – e.g. an IP address – can be personal data. The more expansive definition provides for a wide range of personal identifiers to constitute personal data, reflecting changes in technology and the way organisations collect information about people.

For most organisations, keeping HR records, customer lists, or contact details etc., the change to the definition should make little practical difference. You can assume that if you hold information that falls within the scope of the DPA, it will also fall within the scope of the GDPR.



The GDPR applies to both automated personal data and to manual filing systems where personal data are accessible according to specific criteria. This is wider than the DPA's definition and could include chronologically ordered sets of manual records containing personal data.

Personal data that has been pseudonymised – e.g. key-coded – can fall within the scope of the GDPR depending on how difficult it is to attribute the pseudonym to a particular individual.



The ICO defines the data as:-

Sensitive personal data

The GDPR refers to sensitive personal data as “**special categories of personal data**”.

These categories are broadly the same as those in the DPA, but there are some minor changes.

For example, the special categories specifically include genetic data, and biometric data where processed to **uniquely identify** an individual.

Personal data relating to criminal convictions and offences are not included, but similar extra safeguards apply to its processing.



12

steps to start preparing for GDPR today...

The ICO have issued a 12-step guide covering all the areas for preparing for the GDPR

1 Awareness

Make sure that the decision makers and key people in your organisation are aware that the law is changing to the GDPR. They need to appreciate the impact this is likely to have.



2 Information



Document what personal data you hold, where it came from and whom you share it with. You may need to organise an information audit.

3 Communicating

With privacy information, you should review your current privacy notices and put a plan in place for making any necessary changes in time for GDPR implementation.



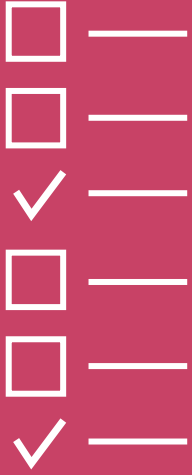
4 Individuals' rights



Check your procedures to ensure they cover all the rights individuals have, including how you would delete personal data or provide data electronically and in a commonly used format.

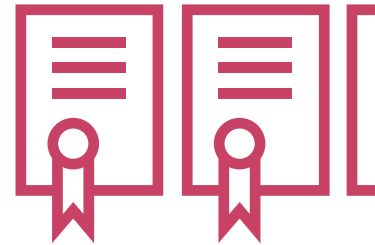
5 Subject access requests

Update your procedures and plan how you will handle requests within the new timescales and provide any additional information.



6 Lawful basis for processing personal data

Identify the lawful basis for your processing activity in the GDPR, document it and update your privacy notice to explain it.



7 Consent



Review how you seek, record and manage consent and whether you need to make any changes. Refresh existing consents now if they don't meet the GDPR standard.



8 Children

Start thinking now about whether you need to put systems in place to verify individuals' ages and to obtain parental or guardian consent for any data processing activity.



9 Data breaches



Make sure you have the right procedures in place to detect, report and investigate a personal data breach.

10 Data protection by design

Familiarise yourself now with the ICO's code of practice on Privacy Impact Assessments as well as the latest guidance from the Article 20 Working Party, and work out how and when to implement them in your organisation.



11 Data protection officers



Designate someone to take responsibility for data protection compliance and assess where this role will sit within your organisation's structure and governance arrangements.

You should consider whether you are required to formally designate a Data Protection Officer.

12 International

If your organisation operates in more than one EU member state (i.e. you carry out cross-border processing), you should determine your lead data protection supervisory authority.

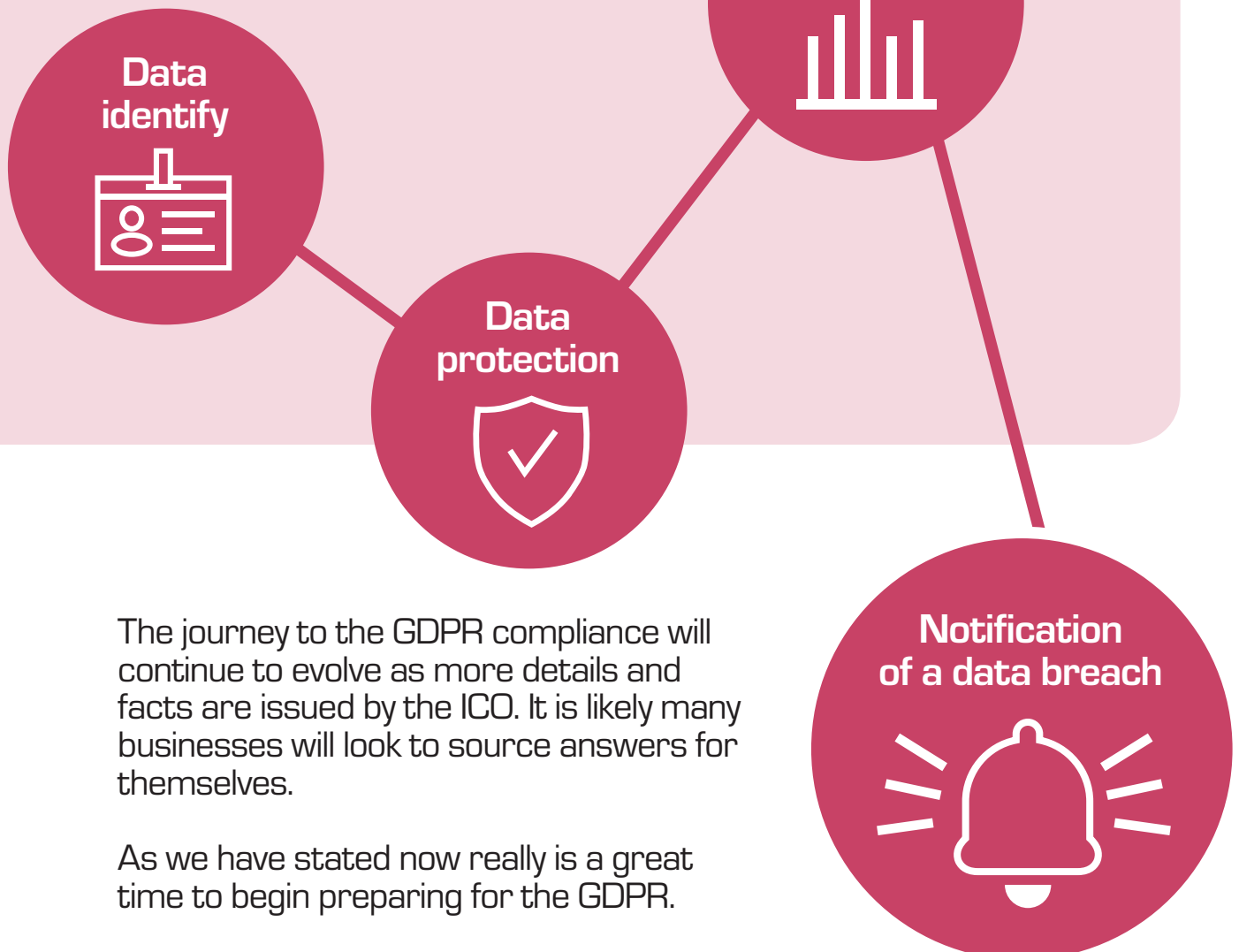
Article 29 Working Party guidelines will help you. Further to this all the essential content about the definitions of data and what is needed going forward can be viewed here.



What should we be doing now about GDPR compliance?

One of the big priorities for a business owner is ensuring you and your staff are clear this new legislation is coming and why, and to begin to be more thoughtful and diligent around the use of data.

You should consider how your business will comply with the new requirements by looking at the following **four key** areas



The journey to the GDPR compliance will continue to evolve as more details and facts are issued by the ICO. It is likely many businesses will look to source answers for themselves.

As we have stated now really is a great time to begin preparing for the GDPR.

With this in mind please consider these

TOP TIPS

GDPR

Familiarise yourself with the provisions of the new regulation, particularly how they may differ from your current data protection obligations. Be aware that new requirements may require new agreements with service providers or completely new solutions that meet the stringent requirements ahead.

Consider creating an updated and precise inventory of personal information that you process (there are tools to help with this like Data Loss Prevention which can help).

Review your current controls and processes to ensure that they're adequate, and build a plan to address any gaps.

GDPR

What are the consequences of not complying?

The potential consequences for not complying with the GDPR are massive.

The EU will be able to fine organisations up to **€20m** or **4%** of annual turnover whichever is **greater**.

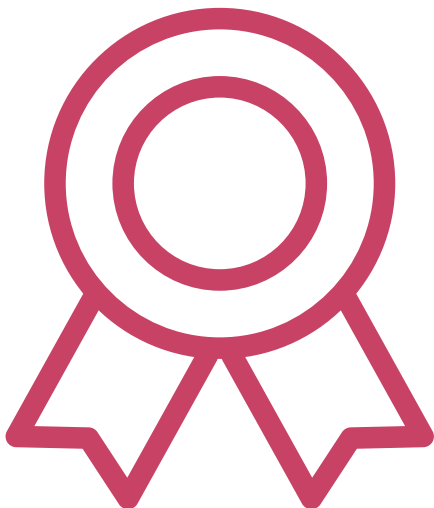


TextAnywhere has been working hard to ensure both us and our clients' data is ready for GDPR.

Our clients and partners can count on the fact that TextAnywhere is committed to **GDPR compliance** across all our services, when the GDPR takes effect on **May 25, 2018**.

ICO Resources and for further information:-

-  [ICO GDPR 12 steps guide.pdf](#)
-  [ICO GDPR Whats new](#)
-  [ICO GDPR Overview](#)



Need some help?



If you need some assistance with your mobile strategy, in accordance with **GDPR** our friendly experts are just a phone call or email away.



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