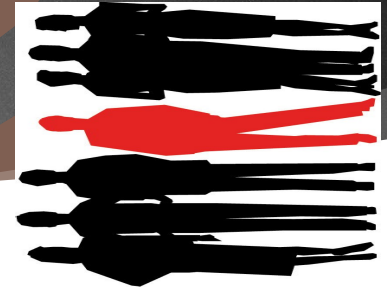


# General Data Protection Regulations (GDPR)



**GO LEGAL HR**

*Supporting employment - Protecting your business*

**”What is it and what do you need to know or  
do?”**

Paul Himple  
Go Legal HR Limited

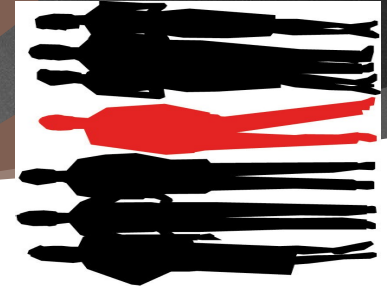
[paulhimple@go-legal-hr.com](mailto:paulhimple@go-legal-hr.com)

# Contents

- Objectives
- Relevance
- Data Protection Act 1998
- Data Protection Bill 2017
- Key Difference/Key Changes
  - Basis for Processing
  - Consents
  - Privacy Notices
  - Data breaches/data access requests
  - Security
- What to Do Next

# Objectives

- To provide an overview/flavour of what GDPR is all about
- Raise awareness so that you know what you need to do
- Offer a balanced approach
- Encourage discussion
- Leave you wanting more

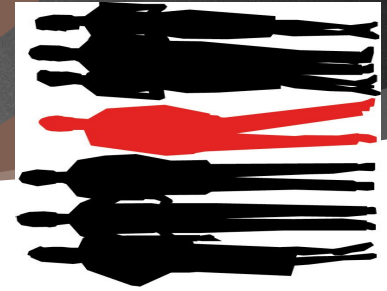


**GO LEGAL HR**

*Supporting employment - Protecting your business*

paulhimple@go-legal-hr.com

# Who is GDPR relevant to?



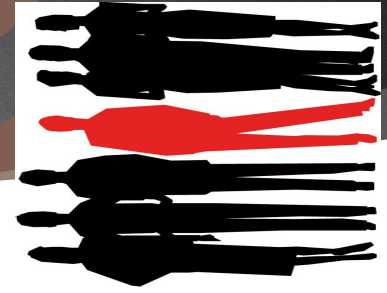
GO LEGAL HR

Supporting employment - Protecting your business

- ▶ Anyone who holds personal data
  - ▶ **'Personal data'** means information which relates to a living person who can be **identified** from that data

paulhimple@go-legal-hr.com

# General Data Protection Regulations (GDPR)



**GO LEGAL HR**

*Supporting employment - Protecting your business*

- Introducing the General Data Protection Regulation (GDPR)
  - Effective 25th May 2018
- The Data Protection Bill 2017
- Data Protection Act 1998
  - Current act not fit for the digital age

# Data Protection Act 1998 - main Principles



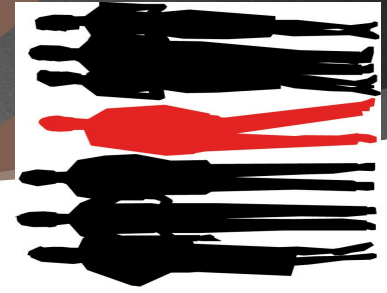
**GO LEGAL HR**

*Supporting employment - Protecting your business*

- Personal Information must be:
  - fairly & lawfully processed
  - processed for limited purposes
  - adequate, relevant and not excessive
  - accurate & up to date
  - Processed in line with the data subjects rights
  - Kept securely
  - Not be kept for longer than necessary
  - Not be transferred to other countries without adequate protection

paulhimple@go-legal-hr.com

# GDPR (Data Protection Act 2017) main principles



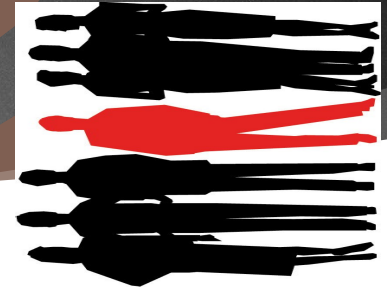
**GO LEGAL HR**

Supporting employment - Protecting your business

- Personal Information must be:
  - fairly & lawfully processed
  - processed for limited/legitimate purposes
  - adequate, relevant and not excessive
  - accurate & maintained up to date
  - Processed in line with the data subjects rights
  - Kept securely
  - Not be kept for longer than necessary
  - Not be transferred to other countries without adequate protection
- **MUST BE ABLE TO DEMONSTRATE COMPLIANCE UNDER GDPR**

[paulhimple@go-legal-hr.com](mailto:paulhimple@go-legal-hr.com)

# GDPR/DPA: Key Differences



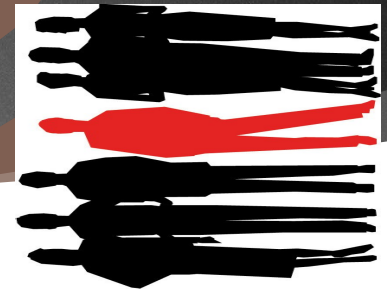
**GO LEGAL HR**

*Supporting employment - Protecting your business*

- DPA – compliant until proven not to be
- GDPR – must prove compliance and transparency



# GDPR – Key Legislative Changes



**GO LEGAL HR**

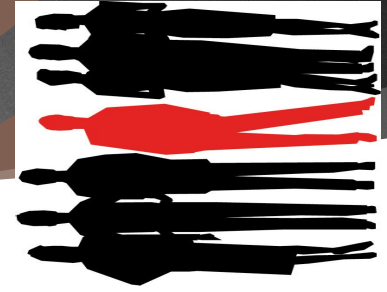
*Supporting employment - Protecting your business*

- 6 key principles (99 articles & 170 recitals)
- Data Protection Officer – statutory requirement
- Consents – by design, not default
- Legitimate Reason for processing
- Privacy Notices
- Data Breaches
- Security

[paulhimple@go-legal-hr.com](mailto:paulhimple@go-legal-hr.com)

# Consents

- Consent must be
  - Freely given
  - Explicit
  - Specific
  - Informed & unambiguous
  - Requested using clear language
  - Provided with the ability to withdraw
  - Provable that consent was given
  - Necessary



**GO LEGAL HR**

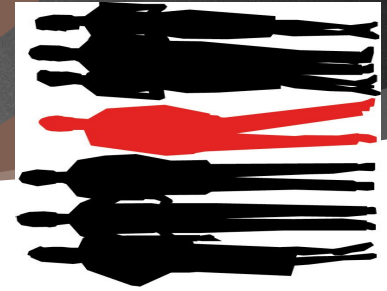
*Supporting employment - Protecting your business*

paulhimple@go-legal-hr.com

# Basis for processing

- Consents
- Necessary for the performance of a contract with the data subject
- Necessary for compliance with a Legal Obligation
- Necessary to protect vital interests of a data subject
- In the public interest
- There is a legitimate business reason

# Privacy Notices



**GO LEGAL HR**

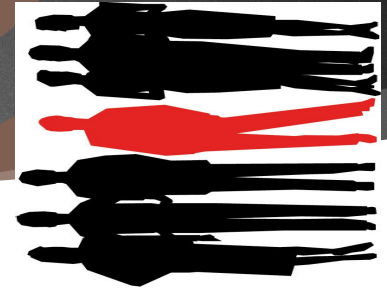
Supporting employment - Protecting your business

- DPA already requires Privacy Notices
- GDPR compliance specifically requires
  - Contact Details of the Data processing Officer
  - The right to withdraw consent at any time where applicable
  - Clearly set out the basis for processing
  - How and when the data will be received/processed
  - Who by and how long will it be retained for
  - The right to data portability where applicable

[paulhimple@go-legal-hr.com](mailto:paulhimple@go-legal-hr.com)

# Data Breaches

- Reportable within 72 hours
  - Processes to enable early detection & reporting
- Report required if there is a risk of detriment to the data subject

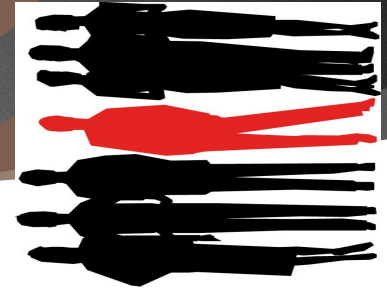


**GO LEGAL HR**

*Supporting employment - Protecting your business*

# Subject Access Requests

- No Charge for Subject Access requests
- Disclosure as soon as practical but within 20 working days
- Right to Rectification
- Right to Erasure



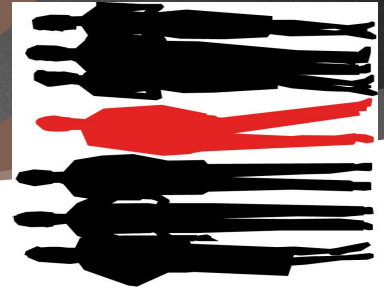
**GO LEGAL HR**

*Supporting employment - Protecting your business*

[paulhimple@go-legal-hr.com](mailto:paulhimple@go-legal-hr.com)

# Security

- Encryption Activated on all devices
- Extend to all removable or portable media
- Ensure Regular security testing, auditing & verification



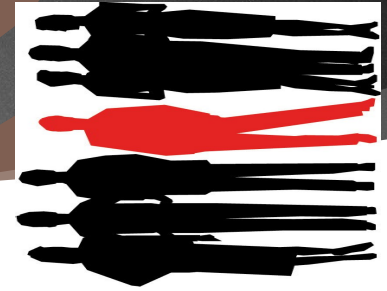
**GO LEGAL HR**

*Supporting employment - Protecting your business*

paulhimple@go-legal-hr.com

# What to do Next

- Raise Awareness – risk register
- Review Information Held – Information Audit (sources, accuracy, sharing)
- Analyse Reasons for collating data
- Define Legal basis for processing information
- Identify Data Protection Officer
- Review all related policies and procedures, internal and with third parties



**GO LEGAL HR**

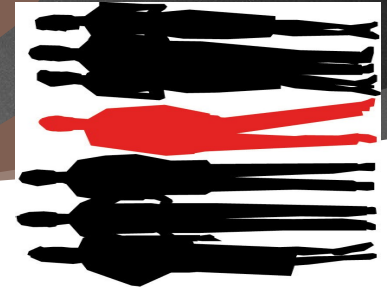
*Supporting employment - Protecting your business*

[paulhimple@go-legal-hr.com](mailto:paulhimple@go-legal-hr.com)



# Summary

- Principal led legislation based on existing provisions of DPA
- Emphasis on proactive planning and awareness of risk rather than reactive action to a breach
- Full compliance is the ideal state.....but planning to address any shortcomings is a minimum
- Recommend audit of current state as a start point.



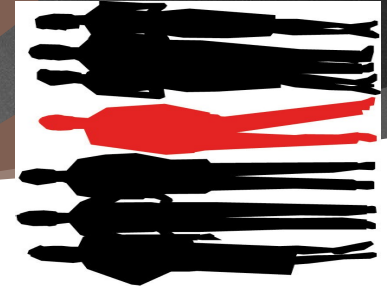
**GO LEGAL HR**

*Supporting employment - Protecting your business*

# Questions?

- ▶ Go Legal HR Ltd
  - ▶ Legal Health Check
  - ▶ Contracts of Employment
  - ▶ Policies & Procedures
  - ▶ Resolutions & Mediation
  - ▶ Employment Tribunal Support
  - ▶ Employment Law Training
  - ▶ Data Protection (GDPR)
  - ▶ General Advice & Guidance

[paulhimple@go-legal-hr.com](mailto:paulhimple@go-legal-hr.com)

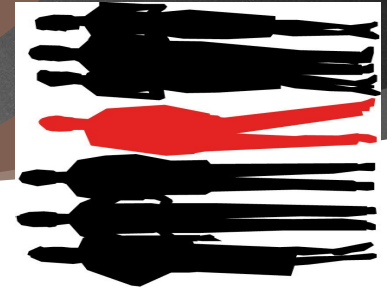


**GO LEGAL HR**

*Supporting employment - Protecting your business*

# Conclusion

- GDPR is relevant to everybody!
- All companies have an accountability to demonstrate compliance
- Free 30 minute consultation



**GO LEGAL HR**

*Supporting employment - Protecting your business*

paulhimple@go-legal-hr.com