

EU Privacy Law: Do you have an action plan?

On 25 May 2018 the General Data Protection Regulation (**GDPR**) will be directly applicable. As the GDPR will affect your data processing activities, we recommend you to start assessing the effects of the GDPR on your business activities as soon as possible. Are you aware exactly what data processing activities take place within your organisation and what impact the GDPR will have? How do you best tackle a comprehensive project such as the GDPR? The Van Doorne Privacy Team is happy to assist you with your GDPR action plan.

The Top 10 Most Important Changes



Extraterritorial Scope

- The GDPR applies to data controllers, as well as data processors.
- Non-EU organisations which offer goods or services to persons in the EU or which monitor their behavior must also be GDPR-proof.



Data Breach Notification Duties

- Data breaches must be reported to the supervisory authority within 72 hours, and without undue delay to the affected data subjects.
- This has been in effect in the Netherlands since 1 January 2016, but the GDPR further refines the data breach notification duties.



Information Duty

- You are required to inform the data subjects even more extensively, clearly and in an easily accessible manner about the processing of their personal data.



Sanctions

- In case of non-compliance you are liable for a penalty of up to a maximum of EUR 20 million or 4% of your worldwide annual turnover, whichever is higher.



Accountability & Documentation Duties

- You must document all your data processing activities in detail. For example, think of your personnel administration, the use of CCTV monitoring, as well as your customer data or job applicant data.
- You are required to implement demonstrable data processing controls. This means that you have to be able to demonstrate that you are meeting your data protection obligations.
- Processors will also have their own data protection obligations and can be held accountable for non-compliance with these rules.



Rights of Data Subjects

- Data subjects will have more or amended rights, including the right to data portability and the right to be forgotten.



Data Protection Impact Assessment (PIA)

- You are required to conduct a PIA in advance when the data processing entails a "high risk" for the data subjects.



Data Protection Officer (DPO)

- Government organisations must appoint a Data Processing Officer (DPO).
- This also applies to companies which process data of a more sensitive nature on a large scale.
- The GDPR prescribes the tasks, position and powers of the DPO.



One-Stop-Shop

- If you have multiple establishments within the EU, then the supervisory authority of the country where your main establishment is located is the lead supervisory authority.



Consent

- The bar for obtaining valid consent will be raised. Silence or inactivity cannot be considered valid consent. The withdrawing of consent must be as easy as giving consent.
- You must be able to demonstrate that you obtained valid consent.



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GDPR: How to get there together with the Van Doorne Privacy Team

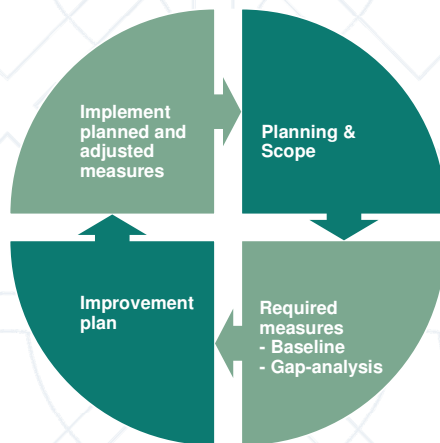
We can imagine that you are asking yourself how to achieve GDPR compliance. The Van Doorne Privacy Team offers you the required expertise. Together with you, we can make the GDPR project manageable for your organisation and at the same time ensure that it matches your business objectives.

Your action plan

An action plan that focuses on aspects such as the legitimacy of the processing, the required legal documents, awareness and the security of data processing ensures that you will be able to complete the GDPR project efficiently and on schedule. The best way to start is to gain insight into your current compliance situation (**baseline measurement**). We will then identify the gaps and the measures to bridge these gaps (**gap analysis**). Current laws and regulations, as well as the specific GDPR requirements that apply to your organisation, must be included in this assessment. Next, we will help you with implementing these requirements (**legal check**). Please bear in mind that being privacy compliant is an ongoing process.

What we can do for you

- Prepare/amend (legal) documents, such as processing agreements, Privacy & Cookie statements, obtain consent, retention policies
- Legal check measures
- Assist in conducting risk analyses & scheduling measures
- Assist in the Works Council process for obtaining consent for processing the data pertaining to your employees



- Conduct privacy scans
- Create awareness
- Provide privacy training courses and assist in setting up an efficient privacy compliance organisation
- Assist in/conduct baseline measurement
- Stakeholder interviews
- Assist in/conduct gap analysis

Please contact our Privacy Team in order to design your privacy compliance program in line with the GDPR requirements.



Van Doorne N.V.

Jachthavenweg 121
1081 KM Amsterdam
P.O. Box 75265
1070 AG Amsterdam
The Netherlands

t +31 (0)20 6789 123
f +31 (0)20 7954 589
info@vandoorne.com
www.vandoorne.com

Contact details



Elisabeth Thole
t +31 (0)20 6789 293
m +31 (0)6 11 388 561
thole@vandoorne.com



Özer Zivali
t +31 (0)20 6789 406
m +31 (0)6 52 382 564
zivali@vandoorne.com



Eva de Vries
t +31 (0)20 6789 486
m +31 (0)6 46 820 656
vriese@vandoorne.com



Vonne Laan
t +31 (0)20 6789 358
m +31 (0)6 11 388 526
laan@vandoorne.com