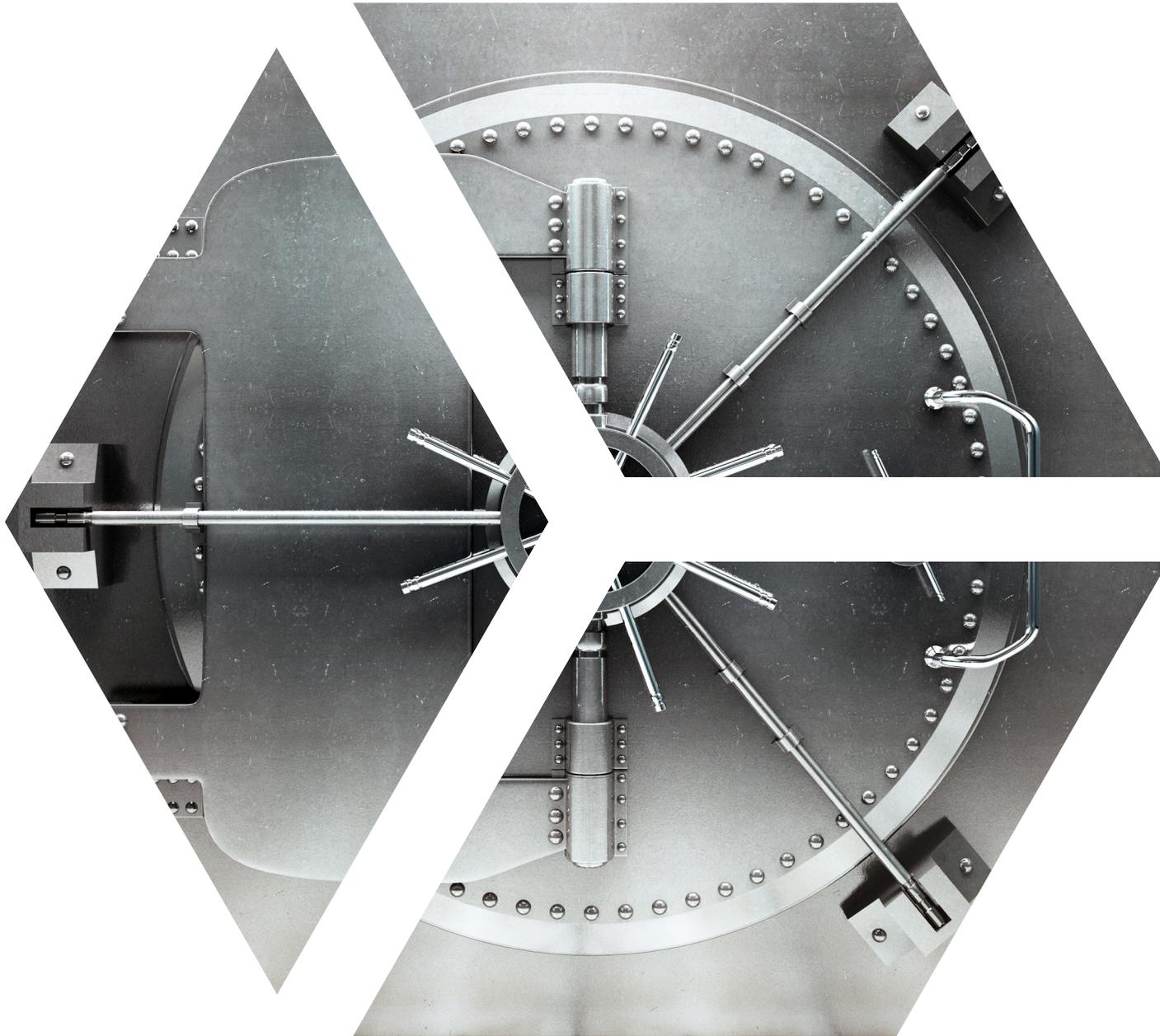


EXPERT GUIDE

# GENERAL DATA PROTECTION REGULATIONS

Brought to you in plain English by Triland Metals



# General Data Protection Regulations

Data protection is a complex and fast-changing area. This document is a guide to the basic principles and some common pitfalls.

Current laws on data protection are mainly found in the UK Data Protection Act 1998 (DPA), which has been enhanced and modernised in the EU General Data Protection Regulations 2016 (GDPR), to cope with the exponential boom in communications and Internet infrastructure. This guide shows the key points of the GDPR at a glance.

## Background

- In force: 25 May 2018.
- Material scope (Article 2): applies to processing of personal data (whether manual, part-automated, or fully-automated), which form part of a filing system.
- Territorial scope (Article 3): applies to all processing activities connected with individuals in the EU.

## Failure to comply:

- Reputational damage.
- Prohibition from further data processing.
- Personal compensation for financial damages and non-material damages (distress).
- Fines up to the greater of €20,000,000 or 4% of total worldwide group annual turnover of the preceding financial year.

## GDPR Definitions (Article 4)

### 'Personal Data'

- Any information relating to an **identified** or **identifiable natural person**; i.e. someone who can be identified **directly** or **indirectly**, by reference to an identifier, such as **name, ID number, location data, online ID** or any factor specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person.

### 'Personal Data Breach'

- A breach of security leading to the **accidental** or **unlawful destruction, loss, alteration, unauthorised disclosure** of, or **access to**, personal data transmitted, stored or otherwise processed.

### Examples:

- Ransomware attacks hold employee data hostage.
- An email chain sent to the wrong recipient.
- The loss of a folder filled with business cards.

### In the event of a breach:

- The supervisory authority must be notified within 72 hours, unless it is unlikely to result in a risk to the rights and freedoms of natural persons.
- If it is likely to result in a high risk to the individual, direct notice must be given to that individual also.

### 'Processing'

- An operation performed on Personal Data, such as **collection, recording, organisation, structuring, storage, retrieval, consultation, use, disclosure by transmission, dissemination, erasure** or **destruction**.

## Data Protection Principles

- **Personal Data must be:**
  - Processed **lawfully, fairly** and in a **transparent** manner.
  - Collected for **specified, explicit** and **legitimate purposes**; to the minimum extent needed.
  - **Adequate, relevant** and **limited** to what is necessary.
  - **Accurate** and, where necessary, up-to-date; swift **corrective action**.
  - Kept no longer than necessary; **destroyed**.
  - **Securely kept** and **processed**.
  - Compliance with these principles must be **DEMONSTRABLE**.

## Protection of Rights

- Rights of individuals are strengthened under GDPR.

### GDPR provides the following rights for individuals:

- The right to be **informed**
- The right of **access**
- The right to **rectification**
- The right to **erasure**
- The right to **restrict processing**
- The right to **data portability**
- The right to **object**
- Rights in relation to **automated decision making** and **profiling**

## Important issues to consider for your firm

- Data mapping and gap analysis of the company's personal data processes.
- Staff awareness of GDPR requirements; a culture shift towards proactively protective use of data.
- Are you dealing with counterparties who respect your personal data? Triland is committed to providing clear information about what personal data is processed and you may access this upon request. We will also inform you of your rights in relation to your personal data, including your right to withdraw your consent to our processing and your 'right to be forgotten'.

Contact us if you would like more information on how we treat your personal data.

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