



All praise is due to Allah and blessings and peace be upon His servant and messenger, Muhammad and upon his family and companions and all who follow his guidance until the Day of Judgment

General Data Protection Regulation (GDPR)

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1. The General Data Protections Regulation (GDPR)

Everyone is aware of all the Data breaches including data hacking through Social Media. In light of this legislation was passed and all organisations given two years to begin complying

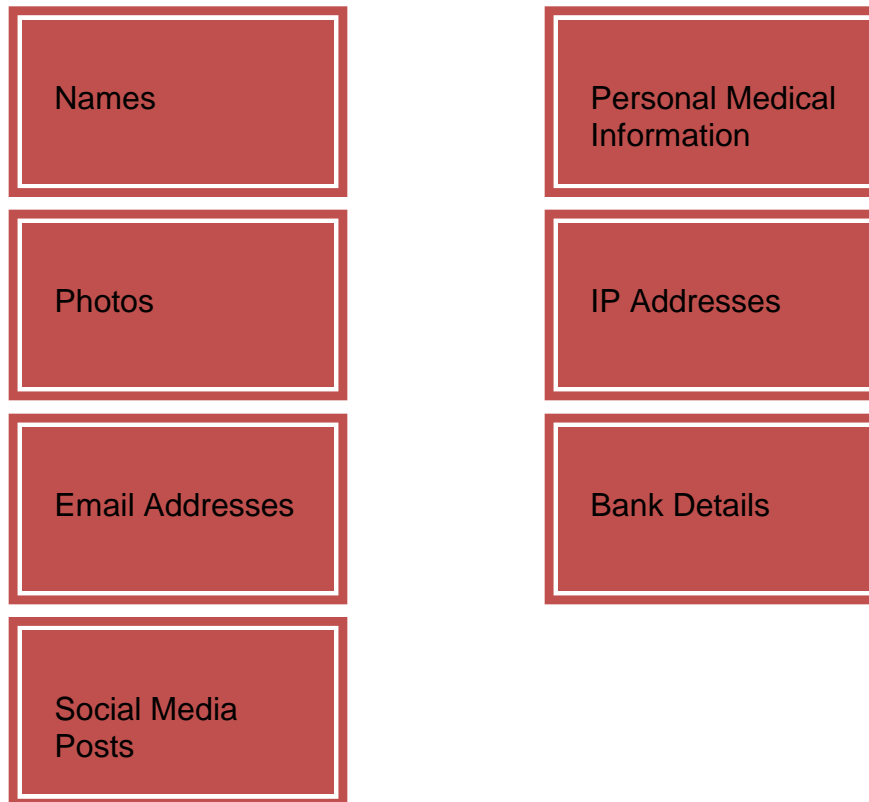
The General Data Protections Regulation (GDPR) is a ruling intended to protect the data of citizens within the European Union. The GDPR is a move by The Council of the European Union, European Parliament, and European Commission to provide citizens with a greater level of control over their personal data.

After several years of refining and debating, the regulation was officially approved by European Parliament on April 14, 2016. The EU has allowed a two-year transition period for organizations to reach compliance. As of May 25, 2018, heavy fines will be levied against any business who does not meet the guidelines set forth by the GDPR.

2. Who will be affected by GDPR

The GDPR has far-reaching implications for all citizens of the European Union and businesses operating within the EU, regardless of physical location. If businesses hope to offer goods or services to citizens of the EU, they will be subject to the penalties imposed by the GDPR. In addition, any business that holds personal data of EU citizens can be held accountable under the GDPR.

What sort of data will fall under the General Data Protections Regulation?



The GDPR covers any information that can be classified as personal details or that can be used to determine your identity. Parental consent will be required to process any data relating to children ages 16 and under.



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The regulation specifies the entities that will be impacted by the GDPR. The wording specifically includes data processors and data controllers. What does this mean? Information that is stored in a “cloud” or in a separate physical location is still subject to penalties.

Regardless of who has determined how your information will be used and who actually uses it, fines can still be imposed for misuse if it concerns the data of EU citizens.

Essentially, GDPR applies to:

- The GDPR applies to ‘controllers’ **and** ‘processors’.
- A controller determines the purposes and means of processing personal data.
- A processor is responsible for processing personal data on behalf of a controller.
- If you are a processor, the GDPR places specific legal obligations on you; for example, you are required to maintain records of personal data and processing activities. You will have legal liability if you are responsible for a breach.
- However, if you are a controller, you are not relieved of your obligations where a processor is involved – the GDPR places further obligations on you to ensure your contracts with processors comply with the GDPR.
- The GDPR applies to processing carried out by organisations operating within the EU. It also applies to organisations outside the EU that offer goods or services to individuals in the EU.
- The GDPR does not apply to certain activities including processing covered by the Law Enforcement Directive, processing for national security purposes and processing carried out by individuals purely for personal/household activities.



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3. Penalties for not complying with GDPR

Businesses that fail to comply with GDPR will be subject to fines starting in May of 2018. This can mean different things for businesses depending on the level of infraction. On the high end, businesses may be required to pay up to 4 percent of their global turnover, or 20 million Euro, whichever is highest. Companies may also be fined 2 percent for not taking appropriate measures to keep records in order. Ultimately, the fine will depend on the nature of the infraction.



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4. Data breaches and the GDPR

A data breach is any situation where an outside entity gains access to user data without the permission of the individual. Data breaches often involve the malicious use of data against users.

If a data breach should occur, the GDPR specifies that companies must provide adequate notification. The affected company has 72 hours to notify the appropriate data protection agency and must inform affected individuals “without undue delay.”



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5. Uncertain politics and the GDPR

In an uncertain political climate, many companies and citizens are concerned about how they will be affected by the GDPR given the undetermined nature of [Brexit](#). Companies operating in the UK are encouraged to take measures to comply with the GDPR. Although these companies may not be subject to the GDPR, [EUGDPR.org](#) states that “The UK Government has indicated it will implement an equivalent or alternative legal mechanisms.”

If you believe you will be operating in the UK but not in other EU countries, you are still encouraged to prepare for the GDPR as the UK is expected to follow suit with similar data protection legislation.

6. Asking for consent

- The GDPR sets a high standard for consent. But you often won't need consent. If consent is difficult, look for a different lawful basis.
- Consent means offering individuals real choice and control. Genuine consent should put individuals in charge, build trust and engagement, and enhance your reputation.
- Check your consent practices and your existing consents. Refresh your consents if they don't meet the GDPR standard.
- Consent requires a positive opt-in. Don't use pre-ticked boxes or any other method of default consent.
- Explicit consent requires a very clear and specific statement of consent.
- Keep your consent requests separate from other terms and conditions.
- Be specific and 'granular' so that you get separate consent for separate things. Vague or blanket consent is not enough.
- Be clear and concise.
- Name any third party controllers who will rely on the consent.
- Make it easy for people to withdraw consent and tell them how.
- Keep evidence of consent – who, when, how, and what you told people.
- Keep consent under review, and refresh it if anything changes.
- Avoid making consent to processing a precondition of a service.
- Public authorities and employers will need to take extra care to show that consent is freely given, and should avoid over-reliance on consent.



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7. Checklists

- We have checked that consent is the most appropriate lawful basis for processing.
- We have made the request for consent prominent and separate from our terms and conditions.
- We ask people to positively opt in.
- We don't use pre-ticked boxes or any other type of default consent.
- We use clear, plain language that is easy to understand.
- We specify why we want the data and what we're going to do with it.
- We give separate distinct ('granular') options to consent separately to different purposes and types of processing.
- We name our organisation and any third party controllers who will be relying on the consent.
- We tell individuals they can withdraw their consent.
- We ensure that individuals can refuse to consent without detriment.
- We avoid making consent a precondition of a service.
- We offer online services directly to children, we only seek consent if we have age-verification measures (and parental-consent measures for younger children) in place.



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8. Privacy and Electronic Communications Regulation (PECR)

The Privacy and Electronic Communications Regulations (PECR) sit alongside the Data Protection Act and the GDPR. They give people specific privacy rights in relation to electronic communications.

There are specific rules on:

- marketing calls, emails, texts and faxes;
- cookies (and similar technologies);
- keeping communications services secure; and
- Customer privacy as regards traffic and location data, itemised billing, line identification, and directory listings.

ICO aims to help organisations comply with PECR and promote good practice by offering advice and guidance.

ICO will take enforcement action against organisations that persistently ignore their obligations, starting with those that generate the most complaints.



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9. Data Protection Act 2018

Digital technology has transformed almost every aspect of our lives in the twenty years since the last Data Protection Act was passed.

Our new Data Protection Act:

- makes our data protection laws fit for the digital age in which an ever increasing amount of data is being processed
- empowers people to take control of their data
- supports UK businesses and organisations through the change
- ensures that the UK is prepared for the future after we have left the EU

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10. Do I need to appoint a data protection officer (DPO)?

Under the GDPR, you **must** appoint a DPO if you:

- are a public authority (except for courts acting in their judicial capacity);
- Your core activities include large scale systematic monitoring of individuals (for example, online behaviour tracking); or
- Your core activities include large scale processing of special categories of data or data relating to criminal convictions and offences.

You may appoint a single data protection officer to act for a group of companies or for a group of public authorities, taking into account their structure and size.

Any organisation is able to appoint a DPO. Regardless of whether the GDPR obliges you to appoint a DPO, you must ensure your organisation has sufficient staff and skills to discharge your obligations under the GDPR.



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11. References

1. Data Protection Act 2018
2. Data Protection Act 2018 Fact Sheet
3. Data Protection Bill Impact Assessment
4. Data Protection Equality Impact Assessment
5. Guide to GDPR for Charities
6. Guide to PERC

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