

## ADVISORY ON:

# Amendments to EU General Data Protection Regulation

## JUN 1<sup>ST</sup> 2018 - EU GDPR KEY NEW ARTICLES SUMMARY:

With so many businesses and services operating across borders, international consistency around data protection laws and rights is crucial both to businesses and organisations, and to consumers and citizens. For any enterprise that holds or processes records of EU subjects the new compliance requirements are now in effect as of May 25<sup>th</sup>, 2018. For UK corporations not operating in Europe, the Information Commissioner's Office will continue to consider the implications of EU GDPR.

### ➤ **ACCOUNTABILITY:**

**'Proof of compliance' will place the burden of proof on the enterprise and not on the Office for Data Protection.** The new accountability principle will require you to demonstrate your compliance with the principles and states explicitly that this is your responsibility. For example: you must provide the personal data in a structured, commonly-used and machine-readable form. Machine readable means that the information is structured so that software can extract specific elements of the data. The information must be provided free of charge.

Older technology no longer 'commonly-used' may not meet the burden of proof for ease of access. Such technologies also represent a high cost of maintenance. Since such information must be provided free of charge, finding technologies to minimise the cost of, and improve access to the data is of paramount importance.

### ➤ **BREACH NOTIFICATION:**

The GDPR will introduce a duty on all organisations to report certain types of data breach to the relevant supervisory authority, and in some cases to the individuals affected. A notifiable breach has to be reported to the relevant supervisory authority within 72 hours of the organisation becoming aware of it.

Older systems are generally a higher-risk for a security breach. Moving data to a more secure, modern application platform will help to reduce the incidence of Breach Notification.

### ➤ **DATA PORTABILITY:**

The right to data portability allows individuals to move, copy or transfer personal data easily from one repository to another in a safe and secure way, without hindrance to usability for their own purposes across different services. The information must be provided free of charge and the organisation must respond without undue delay, within one month.

Customer data may sit in several, incompatible systems. Bringing data records into a uniform, accessible application repository will ease the process of enabling data portability.

### ➤ **RIGHTS OF THE DATA SUBJECT:**

Increased rights of the data subject, (see over the page).

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## DATANOVATA SOLUTION SUMMARY:

- **Consistent, reliable, secure solution to view, report and manage a subject's data**
- **Web-based, permission-controlled, read-only data viewing capability**
- **Consolidated view of data subject in multiple systems**
- **Simplified data governance for access and erasure**
- **Improve response-time to reduce risk of penalties**
- **Track the behavior of all user access**
- **Assign policies for purging and reporting**
- **Record dialog regarding data requests and required actions**



## 8 DATA SUBJECTS RIGHTS SUPPORTED UNDER THE NEW GDPR AMENDMENTS

General Data Privacy Regulations now afford the same protection to data subjects as civil laws provide to physical subjects. Yet, unlike the physical world, commercial data is amorously spread across many systems, multiplying the complexity of rights management and the cost of compliance.

DataNovata simplifies many of these problems by viewing data from multiple databases through a single application window. DataNovata consolidates the data relationships to view, report, transport or delete that information as appropriate.

DataNovata's automated data application generator can simplify the process of GDPR compliance significantly for Large Enterprises that manage data across multiple information systems.

### 1. Right to be informed

The customer has a right to be informed on data collection. Before data is collected, a data subject has the right to know how it will be collected, processed, and stored, and for what purposes.

### 2. Right to Access

After data is collected, a data subject has the right to know how it has been collected, processed, and stored, what data exists, and for what purposes.

### 3. Right to Rectification

A data subject has the right to have incorrect or incomplete data corrected.

### 4. Right to Erasure (Right to be Forgotten)

A data subject has the right to have personal data permanently deleted.

### 5. Right to Restriction of Processing

A data subject has the right to block or suppress personal data being processed or used.

### 6. Right to Data Portability

A data subject has the right to move copy or transfer personal data from one controller to another, in a safe, secure way and in a commonly used, machine-readable format, wherever possible without the subject having to handle the data.

### 7. Right to Object to Processing

A data subject has the right to object to public authorities or companies processing without explicit consent unless such data processing is in the public interest.

### 8. Right to Not be Subjected to Automated Decision-making

A data subject has the right to demand human intervention rather than having important decisions made solely by algorithm.