

EU GENERAL DATA PROTECTION REGULATION WHAT YOU NEED TO KNOW

The General Data Protection Regulation (GDPR), which will come fully into effect on May 25, 2018, replaces the current European Data Protection Directive (“Directive”) in all Member States without the need for implementing legislation. It is designed to increase harmonization of national data protection laws across the EEA and introduces sweeping changes that companies worldwide need to be aware of.

Regulators can impose fines for noncompliance of up to 4% of annual worldwide turnover or 20 million euros (whichever is higher).

Fines for Noncompliance

Expanded Territorial Scope

In addition to all companies in the EEA that process personal data, the GDPR applies to organizations outside the EEA that offer goods and services to individuals in the EEA and, critically, organizations that “monitor” the behavior of individuals in the EEA.

The new law makes it clear that certain categories of online data may be personal – e.g., online identifiers, device identifiers, cookie IDs, and IP addresses are specifically referenced. The GDPR clarifies that such identifiers will be personal data when used to create profiles of people and identify them.

Personal Data

Consent

Under the GDPR, consent requires a clear affirmative action by the data subject. The GDPR requires organizations to inform data subjects of the purposes for which their personal data are processed. If this information is not provided, consent may not be valid.

Consent from a child with respect to online services will be valid only if authorized by a parent. A child is someone under the age of 16, though the Member States can reduce this to 13.

Children

Data Protection Officer

Depending on the type of processing conducted, the organization may be required to appoint a data protection officer.

The GDPR preserves the existing rights of individuals to access their own personal data, correct inaccurate data, and challenge automated decisions about them. The GDPR preserves the right to object to direct marketing.

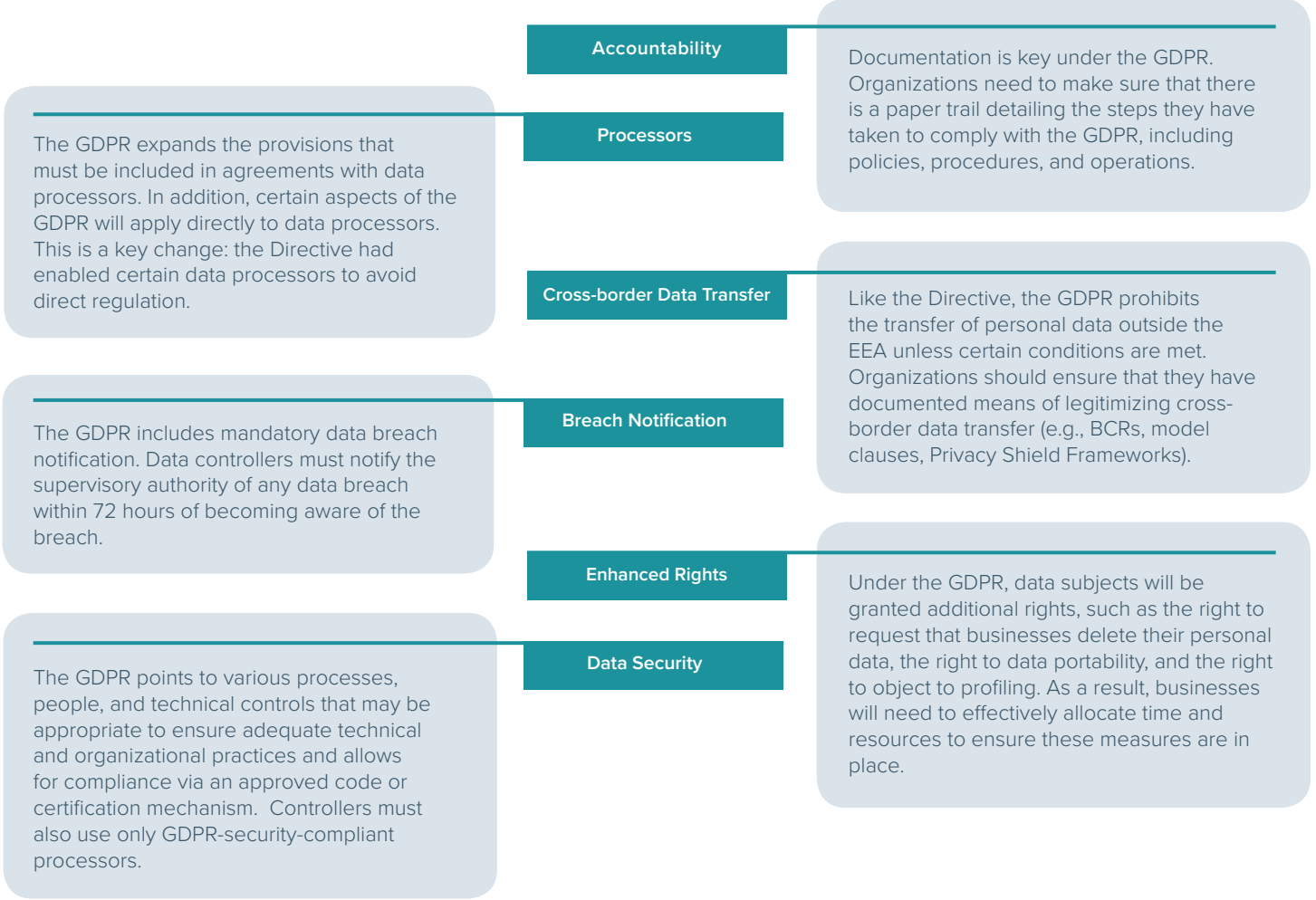
Data Subjects’ Rights

One Stop Shop

The GDPR introduces a “one stop shop” supervisory mechanism, meaning that data controllers and processors with activities in multiple EEA countries will be subject to the authority of one lead data protection authority, supervising all processing activities of this data controller or processor throughout the EEA.

The GDPR expands the information that must be included in a privacy policy, which must be concise and intelligible.

Privacy Notices



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