

New Data Protection Legislation

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New Data Protection Legislation

- Why do we have data protection laws
- Data Protection now
- Overview of new legislation
- Relative importance of GDPR obligations
- Preparing for GDPR



Background to Data Protection

- Where does the legislation come from
- Data Protection Act 1984
- Data Protection Directive 1996
- Data Protection Act 1998
- General Data Protection Regulation (GDPR)
- Enacted: 27th April 2016
- In force: 25th May 2016
- Compliance: 25th May 2018



Structure of the existing legislation

- Processing of Personal data
- Registration: from where: how processed: to whom given
- Data protection principles
- Act in accordance with registration *and* principles
- Individuals' rights - self policing



New Data Protection Legislation

- Current state of compliance
- Companies who currently comply
- 100x more obligations
- Future state of compliance
- Companies who will comply
- Old legislation – comply with principles
- New legislation – comply with legislation
 - Contradictory



Structure of the new legislation

- Transparency by informing individuals
 - What data is collected
 - Individuals rights
- Individuals enforce rights
- More enforcement by ICO?
 - Current regime of reporting
 - Future regime of reporting
- Enforcement by corporate litigation



GDPR Topics

- Privacy by design and by default
- Rights to obtain data and have it rectified
- Rights to object to data profiling and direct marketing
- Right to be forgotten
- Right to data portability
- Breach notification
- Revised principles, e.g. security



Relative Importance of Obligations

- Important
 - Right to data portability
 - Informing data subjects of rights
 - Rights to obtain data and have it rectified
- Less important
 - Right to be forgotten aka right to data erasure
 - Breach notification
 - Rights to object to data profiling and direct marketing



How can you comply?

- Conflicts in the legislation
- Retention of data
- More copies for resilience
- Fewer copies to achieve privacy by design, data erasure
- Encrypt



GDPR: The Travel Industry

- Most pressure for compliance from customers cf: internally
- DPO where core activities involve "large scale processing"
- Data impact assessment where high risk to the rights and freedoms of natural persons



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