



PERSONAL DATA PROTECTION ACCORDING TO THE EUROPEAN GENERAL DATA PROTECTION REGULATION (GDPR)

LEGISLATION RESPONDS TO THE FAST DEVELOPMENT OF TECHNOLOGY AND GLOBALIZATION, FORCING BUSINESSES AND PUBLIC AUTHORITIES TO CHANGE THEIR APPROACHES TO PRIVACY PROTECTION.



Technological development enabling easy and quick processing of large volumes of information has resulted in increasing volumes of collected and shared personal data in many organizations. Internal market operation in the European Union is bringing growing volumes of cross-border personal data flows and personal data exchange among both public and private subjects, including individuals, associations and businesses. As a consequence, there has been growing demand for proper protection of the processed personal data by all the interested parties.

[GDPR DIRECTIVE]

As a response to these trends, the European Parliament and the Council of the EU have adopted the General Data Protection Regulation, No 2016/679, hereinafter referred to as the „Directive“ or the „GDPR“, which will come into force in all Member States on May 25, 2018. The form of a directive has been used to enable a unified legal environment for privacy protection, since there have been 28 different legal regulations so far (Act No 101/2000 in the Czech Republic). The Directive strives to strengthen the rights of individuals to better control over their personal data and to take into account technological developments in the protection of processed data. Despite the fact that the GDPR introduces stricter rules for the administrators and processors of personal data, it attempts to maintain a balance between their legitimate interests and individuals' right to privacy protection.

The Directive considers the following activities as personal data processing: **collecting, recording, sorting, structuring, saving, adapting or modifying, searching, viewing, using, making available through transfer, spreading or any other means of making available, aligning or combining, limiting, deleting or destroying**, i.e. virtually any storing, processing or transferring of personal information.

THE BASIC REQUIREMENTS

The basic GDPR requirements for administrators and personal data processors:

- ▶ Introduction of technical and organizational measures for personal data protection (including efficiency evaluations, revisions and updates)
- ▶ Ability to demonstrate compliance with the Directive
- ▶ Maintaining records on personal data processing
- ▶ Obligation to report cases of personal data security infringement to a supervisory agency (and, if applicable, to the subjects of the data)
- ▶ Assessments of the influence of processing on personal data protection (in specific cases)
- ▶ Eventual preliminary consultations of specific processing with the supervisory agency
- ▶ Appointment of a person responsible for personal data protection (obligatory for public administration or when large-scale personal data processing is performed)

IN THE EVENT OF FAILURE TO COMPLY WITH OR VIOLATION OF THE GDPR REQUIREMENTS, THE FOLLOWING ADMINISTRATIVE FINES HAVE BEEN ESTABLISHED: UP TO **EUR 21 MILLION** OR UP TO **4 PERCENT OF ANNUAL GLOBAL TURNOVER** OF THE ORGANIZATION (THE HIGHER AMOUNT APPLIES).



[PREPARATION]

Organizations should check at least the following:

- ▶ HANDLING OF PERSONAL DATA INSIDE THE ORGANIZATION
- ▶ AGREEMENTS, CONTRACTS, DIRECTIVES AND INTERNAL DOCUMENTS
- ▶ PREPARING ORGANIZATIONAL AND TECHNICAL MEASURES AND PROCESSES FOR THEIR ASSESSMENT

[HELP WITH GDPR REQUIREMENTS COMPLIANCE]

ICZ is ready to help with the following steps to ensure compliance with the Directive:

Analysis

Through this group of services, ICZ offers to perform an analysis of personal data processing in the company's ICT systems, i.e. identification of where the data is stored, identification of the purpose of the processing, and identification of whether the processes comply with the Directive. It is also possible to prepare a summary risk analysis to identify risks to the rights and freedoms of the subject of the data, a security analysis for the information systems used for personal data processing and, depending on the results of the above analyses, an assessment of the impacts of the processing.

Training

ICZ can prepare training to acquaint key managers with the changes brought by the GDPR to help them identify areas impacted by this Directive and to provide them with options to respond to the increased demands on resources. Another type of training is focused directly on the employees working with personal data, where in connection with internal regulations they will be provided with information about the rules and procedures regarding personal data processing and about the key security principles.

Preparation of Policies and Related Regulations

To facilitate easy implementation of measures and subsequent demonstration of compliance with the Directive, ICZ will prepare the necessary regulations, such as personal data processing policies (including specifications for measures regarding requests, acquisition and storing consent) or appropriate policies for incident control and recovery. The service could include consultations regarding the implementation of the policy requirements.

Based on the discovered current state of security measures, GDPR requirements and risk analysis results, ICZ will prepare a review of existing and the design of new security measures. This proposal will be based on the existing situation and will use any existing measures as much as possible. It will focus especially on the utilization of personal data security elements listed in the Directive, such as encryption, anonymization and pseudonymization of data.

Security Measures Implementation

In this field, ICZ provides both measure implementation (organizational or technical) and consultancy services regarding the implementation of these measures by the customer's traditional suppliers. Individual measures can be of various types according to the possibilities and requirements of the customer - from a purely organizational arrangement through open source tools to commercial enterprise solutions. Here, ICZ is ready to pay maximum attention to the available options and needs of the customer and provide relevant measures. ICZ can also perform regular reviews of the efficiency of the measures through internal audits.

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