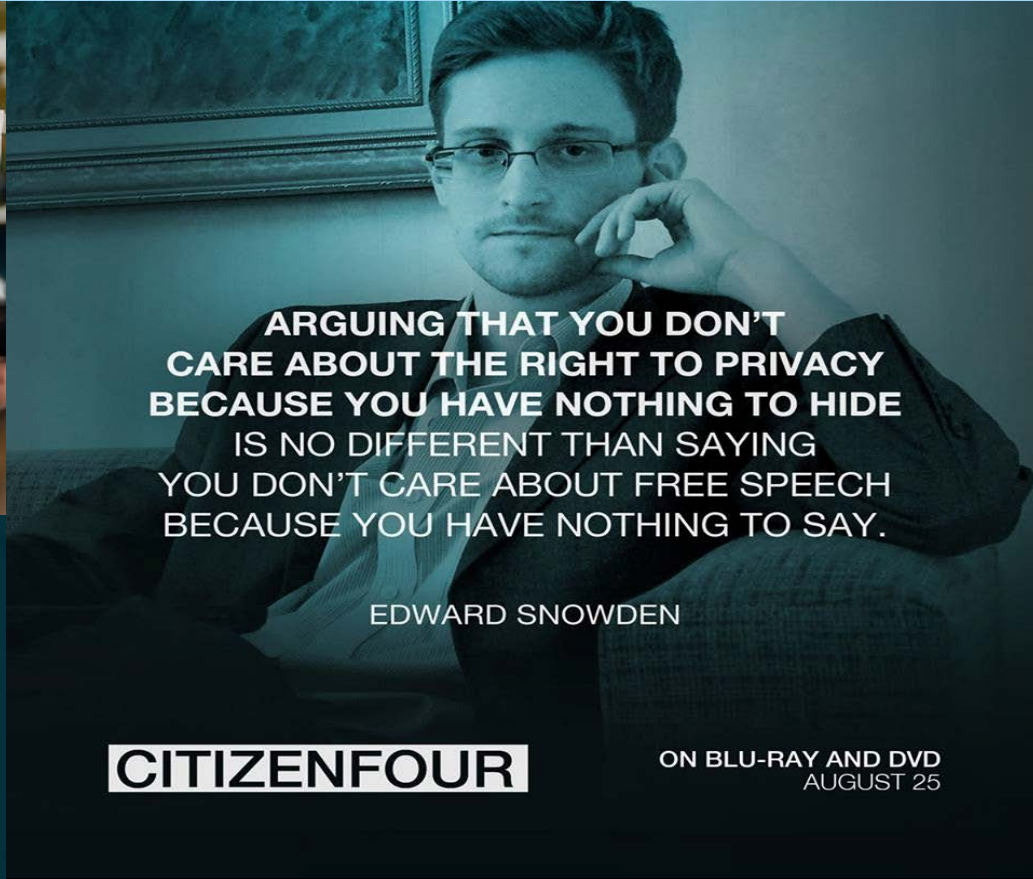


GDPR – An Overview

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Increasingly Political / Contentious Human Right



ARGUING THAT YOU DON'T CARE ABOUT THE RIGHT TO PRIVACY BECAUSE YOU HAVE NOTHING TO HIDE IS NO DIFFERENT THAN SAYING YOU DON'T CARE ABOUT FREE SPEECH BECAUSE YOU HAVE NOTHING TO SAY.

EDWARD SNOWDEN

CITIZENFOUR

ON BLU-RAY AND DVD
AUGUST 25



~~PRIVACY~~
~~INTERNATIONAL~~

What is personal data?

- Anything that allows you to identify a living individual
- Any opinion about an identifiable living person

Examples of Personal Data

- Names
- Addresses
- Opinions on a named person
- NI No / IP Address / Student Card No / Library Card No etc
- A comment that allows you to discover who that person is.

“Not only has he been untruthful about the amount of money that can be paid weekly into the NHS; the pictures of him on that zip wire waiving the Union Jack – please!”

What is sensitive personal data?

Particularly sensitive data that relates to a living person.

Examples of Sensitive Personal Data

- Religious / Philosophical
- Political
- Sexual / Sexuality
- Trade Union Activities
- Illegal / Criminal / Bad Behaviour / Bullying / Malpractice
- Race or ethnicity related
- Medical or Health Related
- Membership of societies.

Other Key Terms

Data Controller

Who decides the purpose and how the personal data is used.

Data Processor

Who carries out the work on behalf of / under instruction from the data controller.

Supervisory Authority

The governmental body in charge of regulating data protection law. e.g. Information Commissioners Office

GDPR - Data Protection Law

1. Creates rights for people.
2. Obligations on those using your personal data in Europe and of European citizens (anywhere in the world.)
3. You must have a legal basis for using sensitive personal data and personal data.
4. Supervisory Authority Powers: Infringement can be fines up to €20,000,000 / public rulings from the ICO / cease and desist requirements etc.
5. Reputationally getting this wrong can be very damaging indeed.

Data Protection Principles

1. Legal, transparent and lawful processing.
2. Purpose specific processing.
3. Non-excessive. (minimisation)
4. Accurate and kept up to date.
5. Processed for no longer than required.
6. Operational and technical security.

GDPR – Grounds for Processing Personal Data (not sensitive personal data)

1. Permission from the person (*consent*).
2. Medical emergency (*vital interests*)
3. *Legitimate interests* of the organisation using personal information balanced with the interests of the person whose data is being used.
4. Contractual relationship (*current or future contract*).
5. Legal obligation.
6. Necessary for performing a task in the public interest, or in the exercise of official authority.

Responsibilities of Data Controllers

1. Comply with the data protection principles.
2. Transparency as to how you use personal data.
3. Establishing if you need a Data Protection Officer.
4. Focus on technical and organisational security.
5. Privacy Notice.
6. Inform people of their rights, why / how / where you use their personal data.
7. Store certain information as required by law.
8. Privacy Impact Assessments
9. Report breach if likely to cause damage and distress
10. Analyse all data transfers (including outside EEA etc) and reflect them in your contracts.

Archiving in the public interest (API)

Rights:

1. Ability to use personal data for reasons other than those for which it was collected.
2. Ability to use public interest grounds for processing.
3. Right to use sensitive personal data.
4. Exempted from having to tell data subjects where the personal information has not been received from them.

Archiving in the public interest (API) / Research exemptions (RE)

Exemptions from:

1. Right to be informed of processing (API) (RE)
2. Right to be informed of safeguards for third party transfers (API) (RE)
3. Right to amendment (API) (RE)
4. Right to stop processing (API) (RE)
5. Right to move your data (API)
6. Right to object to processing (API) (RE)
7. Right that third parties are also informed of erasure, amendment etc (API)

Legal Basis for Archiving in the Public Interest

- Statute
- Public Task statements
- University constitutional documentation
- Comply with codes of conduct

Freedom of Expression and Information

Member states can decide who enjoys these exemptions.

e.g. Researchers, Journalists, libraries(?)

Codes of Conduct

Important as if you follow them less likely to have problems with the Supervisory Authority.

e.g. Archiving (UK / EAG), Marketing etc.

There may be certification schemes.

Questions

