

Personal data and the GDPR

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GDPR

- The General Data Protection Regulation
 - Regulation on the protection of natural persons with regard to the processing of personal data and on the free movement of such data
 - Adopted on 27 April 2016
 - Applicable on 25 May 2018
- Replaced the Personal Data Directive
 - Directive requires implementation (choice of forms and means left to the Member States)
 - Regulation is directly applicable in all Member States

Main concepts in data protection

- Personal data:
 - Any information... (text/image/audio, fact/opinion, true/false)
 - ...relating to... (content/purpose/result)
 - ...an identified (singled out directly or indirectly)...
 - ...or identifiable... (possible to identify directly or indirectly taking into account any means reasonably likely to be used)
 - ...natural person (no: dead person, legal entity)
- Anonymisation $\neq$ pseudonymisation
- Processing: any operation performed on personal data
- Controller: person or entity who defines the means and purposes of processing
- Processor: processes data on behalf of the controller

GDPR in a nutshell

- Lawfulness, fairness and transparency
- Purpose limitation
- Data minimisation
- Data accuracy
- Storage limitation
- Integrity and confidentiality
- Accountability
- Data protection by design and by default
- Data protection impact assessment
- Fines up to 20 000 000 EUR or 4% of total annual turnover

Data transfers under the GDPR

- Within the EU: free (GDPR principles need to be respected)
- To third countries: forbidden, unless:
 - EC issued an adequacy decision (not for the US!) OR
 - Respect of the GDPR is part of a contract or binding corporate rules OR
 - Data subject has given his explicit consent, after being informed about the risks

GDPR and official documents

- [The GDPR] allows the principle of public access to official documents to be taken into account (...).
- Public access to official documents may be considered to be in the public interest.
- Personal data in documents held by (...) a public body should be able to be publicly disclosed by that authority or body if the disclosure is provided for by (...) law (...).
- [The PSI Directive] leaves intact and in no way affects the level of protection of natural persons with regard to the processing of personal data (...).

Thank you for your attention!