



Matheson

TechFire GDPR Briefing - GDPR Overview

Anne-Marie Bohan, Partner
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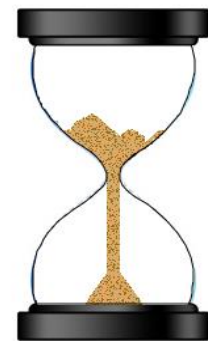
Irish Tax Firm of the Year
European M&A Tax Deal of the Year
International Tax Review 2016

European Law Firm of the Year
The Hedge Fund Journal 2015

Financial Times 2012-2016
Matheson is ranked in the FT50 most innovative law firms in Europe 2016. Matheson has also been commended by the Financial Times for innovation in corporate law, finance law, dispute resolution, corporate strategy, human resources, technology and data analytics

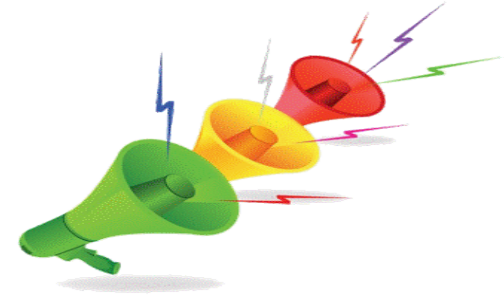
Evolution of the GDPR

- Greater harmonisation and less fragmentation
- Regulation - directly effective
- Influence of Article 29 Working Party
- Long gestation – 4 years
- In force 25 May 2018
- But need to start now, if not already started



Potential impact

- GDPR
 - Administrative sanctions
 - Effective, proportionate and dissuasive
 - Specified factors to be considered
 - Up to €20 million or 4% of annual global turnover
 - Individual right to compensation
 - Expanded individual rights
 - Criminal sanctions



Key Themes

- By design and by default
- Accountability and transparency
 - Demonstrable compliance
- Risk based approach
- Broader scope – more focus on data subjects



Key Components and Principles

- Lawfulness of processing - data protection principles
- Legitimation
 - Consent
 - Contract
 - Legitimate interests
- Special categories
- Specific purpose processing

Key Components and Principles

- Security
 - encryption
 - pseudonymisation
 - anonymisation
- Processing and processor obligations
- Privacy impact assessments
- Data Protection Officers
- Mandatory breach notifications
- Restrictions



Key Components - Individual Rights

- Expanded, clarified and new
 - to information
 - to access
 - to rectify
 - to erase (“to be forgotten”)
 - to restrict processing
 - to object
 - not to be subject to automated processing / profiling
 - to portability
 - breach notifications



Next Steps



GDPR Implementation and Compliance

- Scoping / mapping exercise
- Review data processing procedures
 - Design
 - Security
 - Records / documentation
 - Notifications / consents
- Review outsourcing and processing agreements



GDPR Implementation and Compliance

- Review internal and escalation procedures
 - Data subject access requests
 - Breach notifications
 - Cybersecurity
- New requirements
 - DPO
 - PIAs
- Review training procedures and awareness
- Communication



The Broader Context

- Proposal for E-Privacy Regulation
- PSD2
- Cybersecurity concerns
- NIS Directive
- eIDAS Regulation



Contact



Anne-Marie Bohan
Matheson
70 Sir John Rogerson's Quay
Dublin 2

T: +353 1 232 2212

F: +353 1 232 3333

E: anne-marie.bohan@matheson.com

W: www.matheson.com