

# How Will GDPR Impact You?



**GDPR addresses a major concern to EU citizens. Privacy and trust are considered more important than ever and people want to know who has access to their data and what they are doing with it.**

This short guide will discuss in detail how the upcoming General Data Protection Regulation will impact your existing data, data capture methods, security and marketing.

## What is GDPR?

**On 25th May 2018 the processing of personal data by organisations will have to comply with the GDPR. The fines for failing to comply with the GDPR are significant.**

Organisations that handle EU customer data, regardless of where the company is based, can face up to EUR 20 million in fines, or 4% of their total global revenue for the preceding fiscal year, whichever is higher, for GDPR noncompliance.

## How Will GDPR Impact Your Business?

### 1 Your existing data

GDPR will have a big impact on your marketing. If you use the data you have on your customers, whether for email marketing, surveys or analytics, you must make sure your data is compliant.

*“1 in 3 marketing campaigns are focused on securing consent”*

To use existing data, marketers will need a fully documented permission trail, including the data and source of the consent.

As a result, campaigns to “re-permission” data consent have seen an increase, with one in three marketing campaigns now focused on securing compliant consents.

### 2 Data Capture

Businesses must obtain consent to process data in some situations.

When an organisation is relying on consent to lawfully use a person’s information, they have to clearly explain that consent is being given and there has to be a “positive opt-in”. Each time you request data, consent is required too. Especially if you plan to process that data for different purposes.

## *“There has to be positive opt-in”*

A single consent does not cover all instances of data capture, and explanations of planned data processes must be given when requesting consent in order to comply with GDPR regulations.

### **3 SSL & Security**

Websites that use HTTPS send data over an encrypted connection, so if your website has an SSL certificate you're on your way to GDPR compliance. But the data in the database itself is likely stored unencrypted so if the database was breached the personal data would still be exposed.

## *“Data must be encrypted in a way that doesn't associate with the subject”*

The GDPR makes reference to pseudonimisation. Put simply, this is a process to transform data in a way that stops it from being attributed to a data subject (an individual) without the use of additional information.

An example of this might be using a unique reference ID for someone rather than their name when storing their data in a database.

A second table of names and corresponding IDs stored on a separate system would then be used to join the tables together and recreate the data.

In this way if a data breach occurred and the personal data was stolen, the data wouldn't expose actual names just the additional data.



#### 4 Data Access

As well as putting new obligations on the companies and organisations collecting personal data, the GDPR also gives individuals a lot more power to access the information that's held about them.

At present a Subject Access Request (SAR) allows businesses and public bodies to charge £10 to be given what's held about them.

*“You have the right to know who has your data, and to be forgotten if you wish”*

Under the GDPR this is being scrapped and requests for personal information can be made free-of-charge. When someone asks a business for their data, they must provide the information within one month.

Everyone will have the right to require confirmation that an organisation has information about them, as well as access to this information and any other supplementary information.

In addition, the GDPR bolsters a person's rights around the automated processing of data. Individuals now have the right not to be subject to a decision if it is automatic and it produces a significant effect on a person. For example, if their data is being passed to a third party.

There are certain exceptions, but generally people must be provided with an explanation of a decision made about them or their data.

The new regulation also gives individuals the power to get their personal data erased in some circumstances. This includes where it is no longer necessary for the purpose it was collected, if consent is withdrawn, there's no legitimate interest, and if it was unlawfully processed.



**Many people will complain about GDPR and some will ignore it, but in the long run, it will become standard practice.**

If you have any questions about how GDPR may affect your website or your digital marketing, feel free to get in touch.

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