

## **NEW GENERAL DATA PROTECTION REGULATIONS (“GDPR”)**

All UK businesses, irrespective of size or sector, will need to be compliant with the new data protection legislation rules from 25 May 2018

In summary, GDPR is introducing new regulations surrounding the safe keeping of personal data, and increasing the fines for serious breaches and non-compliance (up to 4% of turnover or €20m , whichever is greatest).

Note that GDPR relates to the retention of an individual’s personal data – both manual and computerised.

Many of the principles set out in the previous Data Protection Act are unchanged, however there are some new elements.

### What do you need to do now?

- Ensure that all key people within your business are aware that the law is changing in respect of GDPR
- Designate someone who will take responsibility for data protection compliance
- Conduct an internal audit of all processes within the firm which documents what personal data you hold, where it came from and who has access to it – considering if you need to retain it? (note, certain information must be kept by law e.g. payroll records)
- Review how you seek, record and manage consent to hold the data
- Consider your data security, areas of risk and take appropriate action
- Review your retention and destruction policies regarding personal data
- When you collect personal data you currently have to give people certain information such as your identity and how you intend to use their information. This needs to be updated to include items such as the lawful basis for processing their data and your data retention periods
- Have a GDPR document that lays out what actions are taken to protect personal data
- Update your procedures and plan how you will handle personal access requests (this is where an individual can ask to view all of the personal data held by you about them) within the new timescales of 1 month. There will no longer be any charge for these requests from 25 May 2018, increasing the likelihood of such requests.
- Make sure you have the right procedures in place to detect, report and investigate a personal data breach
- Have an incident response plan in case you have a data breach

How Ashgates can help you

1. Our IT department could
  - a. review and advise on the adequacy of your data security procedures
  - b. document where personal data is stored, who has access to it (and why) and how it would be deleted, if appropriate to do so.
2. Our HR team can assist your understanding of the implications of GDPR on your business and HR procedures.

The above is just a snapshot of some serious legislation, please contact us for further assistance if required.

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