



GDPR AS AN OPPORTUNITY

PERSONAL DATA IS THE MOST PRECIOUS THING WE OWN

When we think about personal data, we should see people – real people, who have the right to have data that is held about them protected and treated in an ethical, accurate and private way, empowering both individuals and businesses.

DATA IS THE NEW OIL

But data will never run out, and should be respected and protected.

IS IT AN OPPORTUNITY?

The GDPR (General Data Protection Regulation) is a new data protection law that is being introduced from 25th May 2018, intended to strengthen and unify data protection for all individuals within the European Union (EU). There are actions that every business will be required to take in order to comply with the new law.

Data protection is not a 'tick box' exercise, but rather an opportunity to build and deepen trust, in particular digital trust, making your business stronger and giving a competitive advantage.

It gives the opportunity to discover what data you hold, to protect it and to use creativity and 'fresh' thought to engage with people who want to engage with your brand, in an ethical way.

This document aims to give a concise introduction to GDPR and shares five things to do now in order to help your venue prepare.

**'IF YOU CHANGE THE WAY YOU LOOK AT THINGS,
THE THINGS YOU LOOK AT CHANGE'**

Wayne Dyer

CONTENTS

1. What is GDPR?
2. Why is the law changing?
3. Principles of GDPR
4. Controllers and Processors
5. Five things to do now and five things to ask suppliers
 - I. Information audit
 - II. Privacy policy
 - III. Consent
 - IV. Individual rights
 - V. Opportunity
6. Ends



WHAT IS GDPR?

GDPR (General Data Protection Regulation) is a new data protection law that is being introduced by the European Union from 25th May 2018.

This new law is an extension of the UK's existing 'Data Protection Act' that is upheld by the Information Commissioner's Office (The ICO). The ICO is the independent body and leading authority that gives guidance and advice to organisations supporting and promoting compliance within the UK.

All organisations operating within the EU are required to comply with this new law and it also applies to organisations outside the EU that offer goods or services to individuals in the EU.

PERSONAL DATA

The GDPR applies to 'personal data' meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier.

This definition provides for a wide range of personal identifiers to constitute personal data, including name, identification number, location data or online identifier, reflecting changes in technology and the way organisations collect information about people. The GDPR applies to both automated personal data and to manual filing systems.

WHY IS THE LAW CHANGING?

The aim of the GDPR is to protect all EU citizens from privacy and data breaches in an increasingly data-driven world that is very different from the time in which the 1995 directive was established.

The current legislation was enacted before the internet and cloud technology created new ways of exploiting data, and the GDPR addresses the new and previously unforeseen ways that data is now used.

It replaces the Data Protection Directive 95/46/EC and is designed to harmonize data privacy laws across Europe, to protect and empower all EU citizens data privacy and to reshape the way organizations approach data privacy.

By strengthening data protection legislation and introducing tougher enforcement measures, the EU hopes to improve trust in the emerging digital economy.



PRINCIPLES OF GDPR

Under the GDPR, the data protection principles set out the main responsibilities for organisations

**LAWFULLNESS
FAIRNESS &
TRANSPARENCY**

DATA MINIMISATION

PURPOSE LIMITATION

STORAGE LIMITATION

ACCURACY

**INTEGRITY &
CONFIDENTIALITY**



CONTROLLERS & PROCESSORS

The GDPR applies to both 'controllers' and 'processors' of data.

A **controller** determines the purposes and means of processing personal data. A **processor** is responsible for processing personal data on behalf of a controller.

SK Chase is a processor in terms of the gift application.

As a processor, we have specific legal obligations; for example, we are required to maintain records of personal data and processing activities. We have legal liability if we are responsible for a breach.

Our clients are 'controllers' (and processors) and it is worth noting that controllers are not relieved of obligations where a processor is involved – the GDPR places further obligations on controllers to ensure contracts with processors comply with the GDPR.

DEMONSTRATING COMPLIANCE

As a Processor we are expected to put into place comprehensive but proportionate compliance measures. Ultimately, these measures should minimise the risk of breaches and uphold the protection of personal data.

A person is seen from the side, working on a silver laptop. The laptop screen displays a website with various articles and images. A white mug is on the desk to the right of the laptop. The entire scene is bathed in a warm, orange light. The text "5 THINGS TO DO & 5 THINGS TO ASK SUPPLIERS" is overlaid in white, bold, sans-serif font in the center of the image.

5 THINGS TO DO & 5 THINGS TO ASK SUPPLIERS



1. INFORMATION AUDIT

Become clear on what personal data information you hold across all systems – both automated and manual (filing cabinets).

KEY QUESTIONS:

- What data are you holding?
- Where did it come from? (source)
- Where is it stored? (location)
- How long is it stored for?
- Do you have a data retention policy in place?
- Are there valid business reasons as to why you need to store personal data for this time period?
- Is it securely stored?
- Is it shared?
- Who do you share it with / Who processes it?
- Are they GDPR compliant?
- What's the current situation?
- What do we want to have in place in future?
- By when will we have it in place?

(See in Excel Template 'GDPR – Information Audit' that you can use to help you get clear on the details of the data you store).

2. PRIVACY POLICY

Ensure your Privacy Policy is up-to-date and displayed clearly on your web site.

KEY POINTS:

- Who you are
- Why / purpose of storing personal data
- How it will be used
- Details of any third party sharing that may occur
- Consent information – how it works, how to unsubscribe
- Contact details for access request





3. CONSENT

Check all the points of 'opt in' are up-to-date and compliant.

KEY POINTS:

- Opt in / not Opt out
- Explicit – what are you asking customers to opt in to receive? (special offers, newsletter etc.)
- Locations of opt in – registration card, web site, email confirmations, gift voucher application, 3rd party booking systems (restaurant, spa)
- Your venue is required to know the **source** of the opt-in. For example, on uploading an email address to a mail marketing app, you need to capture the source.

4. INDIVIDUAL RIGHTS

Ensure you can share, rectify and delete all personal data held on your systems / network if requested.

KEY POINTS:

The GDPR includes the following rights for individuals

- the right to be informed
- the right of access
- the right to rectification
- the right to erasure
- the right to restrict processing
- the right to data portability
- the right to object
- the right not to be subject to automated decision-making including profiling

Ensure you have the relevant procedures in place to detect, report and investigate a data breach.

- Put procedures in place to effectively detect, report and investigate a personal data breach
- Inform the individual(s) involved immediately
- Inform any other relevant 3rd parties in the 'chain' (where data is being shared)
- Inform the ICO





5. OPPORTUNITY

Engage with your database of subscribers between now and the 25th May 2018.

- Share the data you are holding and ask if it's correct / preferences are correct
- Share the source of you holding their personal data, i.e. "You subscribed to our newsletter...."
- Send an offer explaining this is the type of offer they will receive from you

We hope you found the information in this document useful and if you have any questions, please feel free to get in touch with us, using our details below:

@ enquiries@skchase.com

UK: 0344 371 0071
International: +44 (0)131 220 6544

www.skchase.com

blog www.skchase.com/blog
www.twitter.com/skchase

SK
CHASE

