



GDPR & COMSURE & YOU: Preparing for Change! What do YOU need to know?

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Comsure is hosting a **3.5 HR GDPR event** on the **18th May** along with **x6,x1.5hr** GDPR surgeries through to May 2018 to help firms prepare for change.

- https://training.comsuregroup.com/event-registration/?regevent_action=register&event_id=281

The changes GDPR present in May 2018 cannot be underestimated, and all enterprises (including charities, clubs and associations) should be considering preparing now – you cannot delay this any further. The fact is we have had two years to prepare!

ALSO, while it is clear that the GDPR will have a significant impact on all businesses, those who are taking their current legal obligations in respect of data protection seriously will be at a **distinct advantage**.

COMSURE OBJECTIVES

At the Comsure event and its follow-on surgeries, Comsure wants to save you reading the entirety of the GPDR (**all 11 chapters, 99 articles, 260 pages!**). In doing so we will highlight some of the most significant changes that HR teams and employees need to be aware of, and we will tackle how to plan for these changes. Such matters will include

1. employee rights under GDPR;
2. lawful processing;
3. employee monitoring;
4. data breach notifications; and
5. Subject Access Requests.
6. **AND MORE....**

OUR GDPR SPECIALIST SPEAKERS

1. Emma Martins, The Information Commissioner of Jersey & Guernsey
2. Edward Drummond, Partner, Bedell Cristin



4. Mark Saville, Data2Vault
5. Ricky Magalhaes, Logicalis

WHAT

Comsure and its speakers will look at how your business will be obliged to comply with these upcoming changes; and with personal information playing a critical role in any business, the task ahead, while manageable, will have to be planned for, resourced and implemented.

BOOK

If you would like to know more about how your organisation can prepare for the GDPR, sign up by clicking on the link below:

- https://training.comsuregroup.com/event-registration/?regevent_action=register&event_id=281

FOR MORE BACKGROUND READ ON

BY WAY OF BACKGROUND

Jersey and Guernsey face significant impact from EU Data Protection reforms. Furthermore, the extra-territorial nature of the GDPR will mean that businesses which hold data relating to EU citizens are going to have to comply with the requirements so need to start preparing now.

Emma Martins (Emma), the head of the CI Data Protection regulator and keynote speaker on the 18th May at the Comsure GDPR conference, has been quoted as saying

- ***Sweeping changes to European privacy and Data Protection legislation will have a significant impact on the Channel Islands,***

Emma holds the role of Information Commissioner in Jersey (with responsibility for regulating Data Protection and Freedom of Information legislation) and Data Protection Commissioner in Guernsey.

Emma Martins has warned

- ***That the authorities will need to prioritise reform of existing laws and practices and that businesses must be ready for the impact of the changes which are expected to take effect from 2018.***
- ***That delays or failure to adequately prioritise and resource the work could have a seriously detrimental effect on the financial and digital sectors, which rely on seamless flows of information***



The new legislation, in the form of the General Data Protection Regulation (GDPR), focuses on giving members of the public stronger rights regarding the way that governments and businesses process their information, including:

1. New limits on how your personal data can be used (or “processed”) or shared with others by government departments or companies.
2. New protection for young people under 16, allowing for parental consent for their personal information to be processed.
3. New rights for people to demand the erasure of their personal information, restrict the use of personal information and to data portability.
4. A new requirement for “public bodies” and certain private sector organisations to have qualified Data Protection officers, with legal protection for those officers.
5. Fines of up to 20 million euro – almost £16 million – or 4% of global annual turnover for serious contraventions of the rules.

What kind of data are we talking about?

1. The GDPR, just as it does with the Data Protection Act 1998 (DPA), will cover all personal data that your business collects and processes.
2. For example
 - Employers will frequently deal with employees, volunteers, consultants, interns and a host of other individuals; with each comes interviews, meeting notes, record keeping and your day to day admin brings processing payroll, pensions, dealing with grievances and so on.

Key changes for firms and employers

1. Transparency and Accountability:

- a. Under the GDPR there is the introduction of a general requirement for organisations to be accountable about data processing and a greater emphasis on transparency.
- b. This will impact how an organisation requests data (ensuring the data subject is informed what data is being collected about them, for what purposes and how the data will be used), processes data and responds to the rights of data subjects.
- c. Organisations will need to keep up-to-date records to ensure they can demonstrate compliance with the GDPR and focus on being accountable and transparent about how they work with data.



a. As data subjects, employees already have a bundle of rights; the most important from the employer/HR perspective is probably the subject access right. These rights remain, however they are enhanced under the GDPR, bringing with it greater accountability and increased administration. The other rights of employees as data subjects include

- (1) the right to be informed;
- (2) the right to be forgotten;
- (3) the right to data portability; and
- (4) the right to rectification and restriction. Such additional rights are likely to affect the current data management practices of HR teams.

3. Data Breach Notification:

- a. Under the GDPR, businesses will be required to notify data breaches within 72 hours.
- b. This new time limit means that businesses must have a clear policy for data breach notification to ensure that they are able to design their notification processes to meet the GDPR obligations.

4. How you gather data about your employees:

- a. Currently, employers have to inform all employees of the types of information they record and for what purposes.
- b. This obligation continues but in an enhanced form and is likely to mean changes to your data protection policies, statements in contracts of employment and contracts with other workers.

5. Subject Access Requests (SARs):

- a. The major change around SARs brought in by the GDPR is that the time limit for responding to an SAR is shortened from 40 days under the Data Protection Act 1998 to one month under GDPR.
- b. The GDPR also makes it generally easier for data subjects to make SARs, and employers, under the GDPR, will no longer be able to charge the £10 fee for dealing with SARs.

6. Appointment of a Data Protection Officer (or “DPO”):

- a. For some of you reading this today, this may soon be a requirement under the GDPR.



- (i) involve the regular and systematic monitoring of data subjects on a large scale; or
- (ii) the large scale processing of special categories of data (meaning the likes of health data, political opinions, religious and racial and ethnic origin data), it may/will come as a surprise that the same legal obligation will apply to your organisation.

7. Record keeping:

- a. Through the increased focus on transparency and accountability, there will be much tighter standards upon the nature of data employers can retain and for how long, meaning that the retention periods for records will need to be identified and monitored and you will also need to keep better records of your decision making process.
- b. Keeping improved records will be key to demonstrating GDPR compliance.

8. Privacy by design and Privacy Impact Assessments [PIAs]:

- a. The GDPR advocates privacy by design – which means that employers will be obliged to adopt an approach that promotes privacy and data protection compliance from the outset of any project or process.
- b. For example, if your business outsources your pension administration requirements, what will you need to do under GDPR that you don't need to do now?
- c. Firms will need to consider carrying out **Privacy Impact Assessments** at the beginning of any new process so that privacy is “embedded [baked]” into the process from the beginning.
- d. So if you are thinking of changing or upgrading your payroll system or introducing a new HR management system for example; you will need to assess the privacy implications before implementation.

These are only a few of the changes, and we will highlight and discuss these in more detail during the events through to May 2018.

SO, HOW CAN EMPLOYERS PREPARE?

1. Review existing data protection policies and practices including:-
 - employment contracts,
 - staff handbooks and
 - employee policies.
2. Review and update current procedures for handling SARs.



changes and appoint someone to oversee compliance with the reforms.

- 4. Know when Privacy Impact Assessments [PIAs] should be used, who should be involved and the process to be adopted.

BOOK

For more detail and advice sign up today for the Comsure conference, and follow-up surgeries sign up by clicking on the link below:

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