



WORLDWIDE ERC®
WEBINARS

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GDPR: The New Era of Compliance



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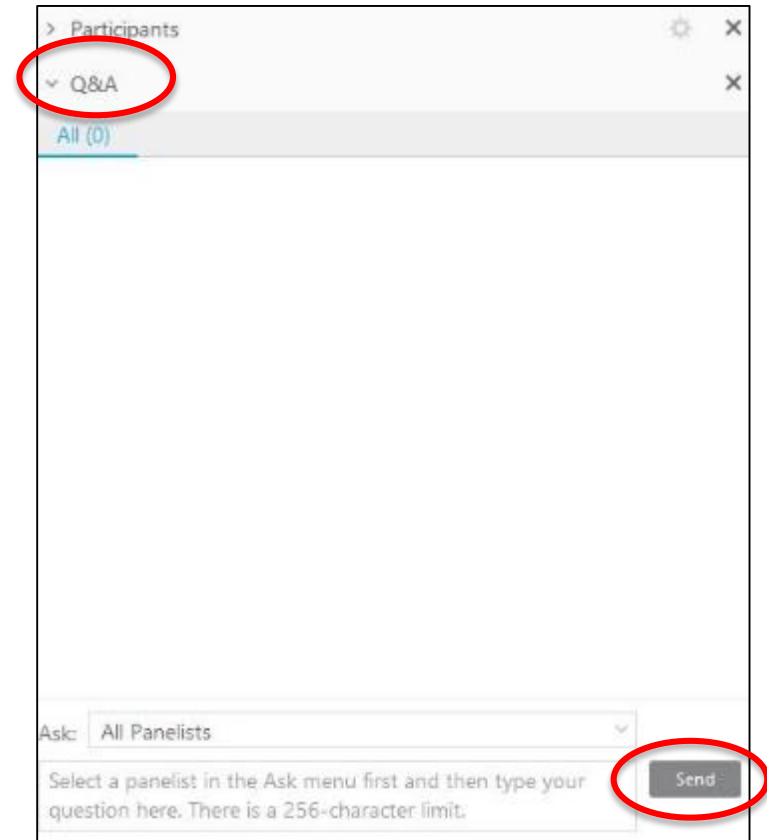
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Q&A Instructions

- Submit questions through Q&A dialogue box
- Box is located in lower right corner of screen
- Do not use the Chat Box
- Be specific
- You may submit your question at any time

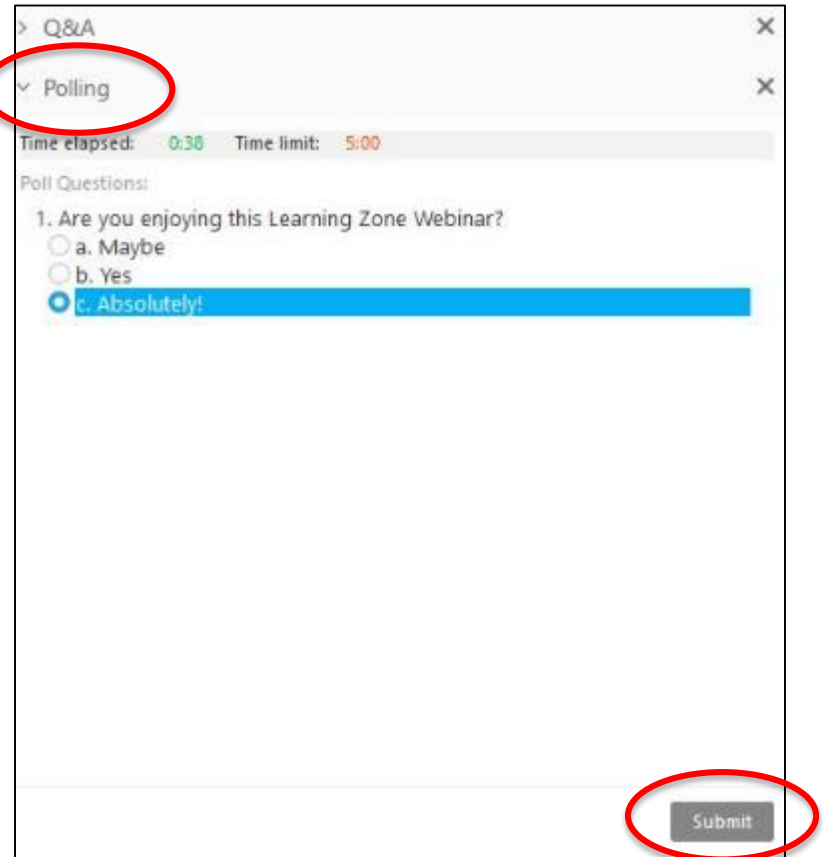
Q&A Dialogue Box:



Polling Instructions

- The Polling Box appears below Q&A Box
- Question will appear on slide and in the Poll Box
- Submit answer quickly
- Results will display in the same location

Polling Box:



The screenshot shows a 'Polling Box' interface. At the top, there is a 'Q&A' section and a 'Polling' section, both with expand/collapse arrows. The 'Polling' section is circled in red. Below the 'Polling' section, there is a progress bar showing 'Time elapsed: 0:38' and 'Time limit: 5:00'. The main content area is titled 'Poll Questions:' and contains a single question: '1. Are you enjoying this Learning Zone Webinar?'. There are three radio button options: 'a. Maybe', 'b. Yes', and 'c. Absolutely!'. The 'c. Absolutely!' option is selected and highlighted with a blue bar. At the bottom right of the box, there is a 'Submit' button, which is also circled in red.



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Today's Presenters



Hank Roth
Chief Privacy Officer & Associate Counsel
Dwellworks



William Tehan
General Counsel for Graebel Companies, Inc.
Ruder Ware, L.L.S.C.

Agenda

- Where are we now
- What to be aware of
- To do...doing...done
- Other considerations
- Impact beyond the EU
- Questions





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Where Are We Now?

Dawn of the GDPR Era



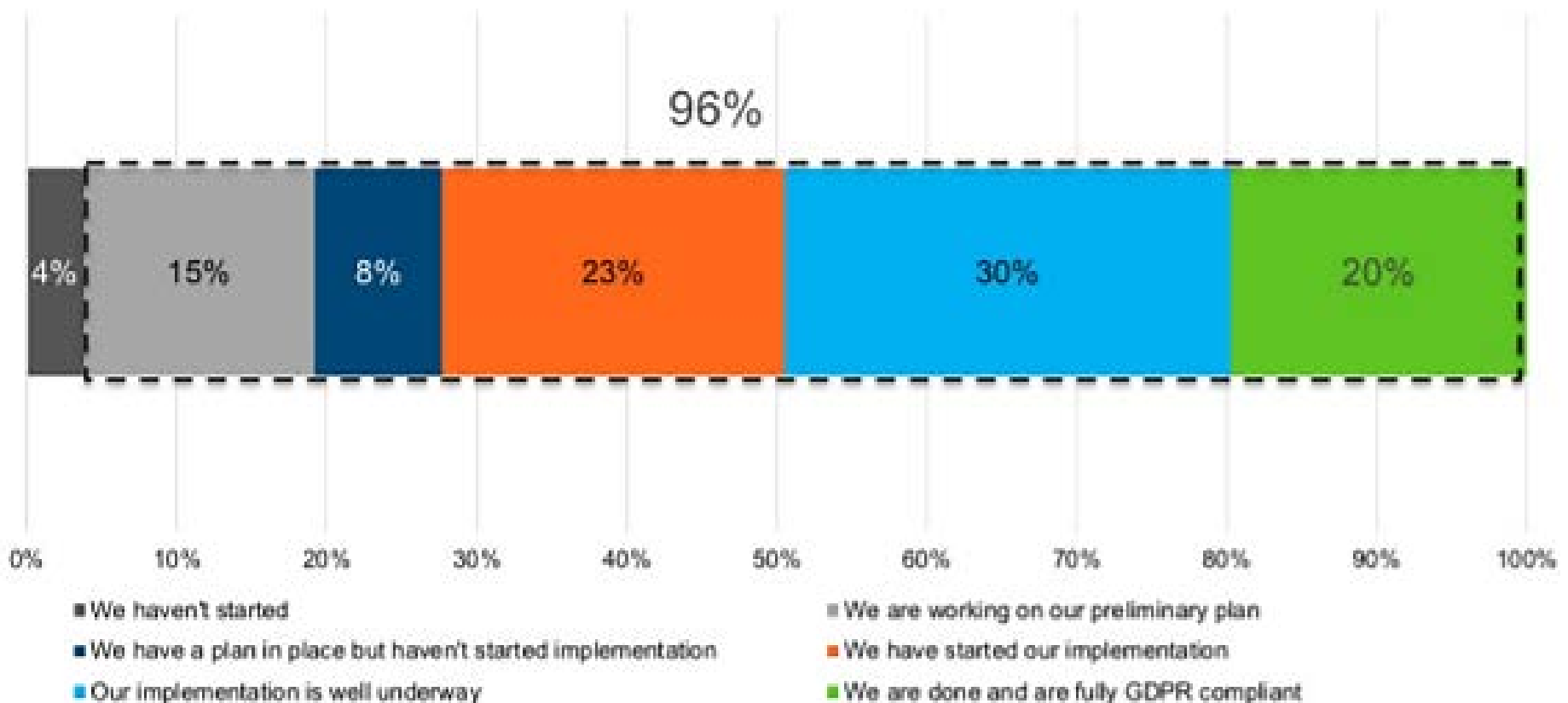
GDPR Compliance Status: Where Are We Now?



GDPR Compliance: Still a Work in Progress

96% have started, but only 20% are fully compliant

Which of the following best describes the state of your GDPR compliance?



GDPR Compliance Status: Where Are We Now?

Third Party Help:

87% of companies needed third party help with their GDPR project and most still do.



GDPR Compliance Status: Where Are We Now?

Validation:

50% of the companies surveyed plan to secure third party validation prior to issuance of official GDPR certification



Poll: Where Are *You* Now?

Where are *you* now with regard to full GDPR compliance?

- A. Haven't started
- B. Working on a preliminary plan
- C. Have a plan in place but haven't started implementation
- D. Have started implementation
- E. Implementation is well underway
- F. We are fully GDPR compliant





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What To Be Aware Of

Impact on Your Business

- Worldwide application
- Big fines and penalties
- New data breach notification requirements
- DPO's, DPIA's, data mapping, reporting
- Privacy by design
- Data subject's rights
- Responsibility for sub-processors



Employers

- Consent not usable as a legal basis for processing employee data
- Intercompany transfers of data may not be compliant
- If GDPR applies, the collection, storage, and use of data must be compliant and data subject rights must be recognized





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To Do...Doing...Done

Done List (*...or at a Minimum To-Do*)

- ✓ **Data mapping:** audit info for PII storage and use
- ✓ **Lawful grounds:** identify the legal basis for processing
- ✓ **Privacy notices:** prepared and communicated
- ✓ **Privacy Policies:** updated
- ✓ **Contracts:** reviewed and updated
- ✓ **Personal Data:** minimum handling; strict IT security standards
- ✓ **Consent:** needed; how to obtain

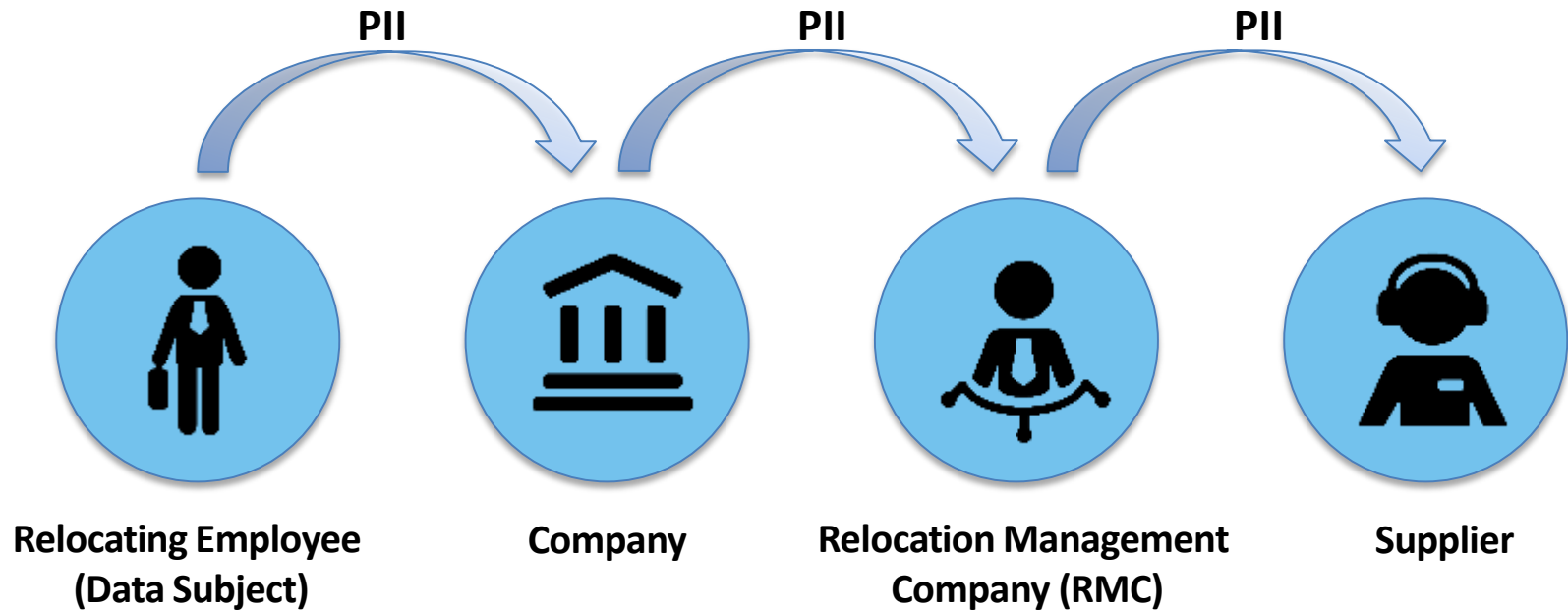


5 Keys To Ongoing Success

- Education and training
- Robust policies and procedures
- Minimization
- Updating privacy notices/privacy policies and contracts



The Chain of Accountability in the GDPR Era





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Other Considerations

Insurance (Cyber and Others)

Will we be able to get coverage?

- Privacy regulators
- Privacy breach vs privacy violations
- Scope of coverage – regulatory
- Will we need higher limits?
- Are fines and penalties insurable?
- Do we need local policies?



Marketing Emails

- Must you get permission to send marketing emails to those who have never purchased anything from you?
- Is sending such an email in and of itself a violation?
- What counts as valid consent under GDPR?



The E-Privacy Regulation

- Proposed new regulation was hoped to be effective concurrent with the GDPR
- Sub-set of GDPR – typically would only apply to electronic communications
- Review of the Statement of the European Data Protection Board (EDPB) issued on 25 May 2018
- What is next and when?





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Impact Beyond the European Union

GDPR Impact Beyond the European Union

- The “gold standard” for the world
- New California laws
- Expansion to films and photos
- Attack on privacy shield by EU
- US FTC will enforce GDPR protections for US consumers



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