

**GDPR
COMPLIANCE**
Brochure

Membre du Réseau



WHAT WILL GDPR CHANGE ?

The European General Data Protection Regulation (GDPR) entered into force on 25 May 2018 and applies uniformly across all Member States of the European Union.

It is directly applicable and takes precedence over national legislation in the event of conflict, in particular Law No. 78-17 of 6 January 1978 as amended.

It reaffirms the principles established by Directive No. 95/46 of 24 October 1995:

- Lawfulness, fairness and transparency of all processing
- Determination of the purpose of processing, which must be legitimate, adequate and relevant
- Limitation of the retention period
- Data security

In essence, its key principles are as follows:

- It is based on a combination of legal and technological means aimed at risk prevention: an accountability-based approach as opposed to a prior formalities-based approach.
- It adopts a "Privacy by Design" approach, whereby respect for privacy is now at the heart of all technical development, and personal data must be secured and kept confidential.

➔ Any company collecting data that enables a person to be identified (email address, image, date of birth, IP address, surname, first name, etc.), including in the course of its professional activities, is affected, as its liability will be significantly increased.

WHAT THIS MEANS IN PRACTICE

- No prior formality for declaring personal data processing to the CNIL (except in specific cases: processing that creates a high risk to the rights of natural persons)
- The obligation to reduce the data collected to what is strictly necessary for the company's activities (Privacy by Default)
- The strengthening of the rights of individuals whose personal data is collected, with the near-systematic requirement for some form of express consent to any collection (portability and right to erasure)
- The appointment of a Data Protection Officer in certain cases
- The obligation to carry out impact assessments in certain cases
- Verification of the commitments of your processors, whose liability is increased and whose obligation to advise is recognised
- The obligation to notify any security breach to the regulatory authorities within 72 hours, with the notification required to indicate the nature of the breach, its consequences and the measures taken to protect the data

MORE SEVERE SANCTIONS

Regulatory authority checks will be strengthened and the sanctions incurred will be far heavier than in the past: €10 to €20 million, or 2 to 4% of total annual worldwide turnover for the preceding financial year.

KEY STEPS ACCORDING TO THE CNIL

The CNIL recommends 6 steps to achieve compliance, in which we are able to assist you:

- Designate a lead person
- Map your personal data processing activities
- Prioritise the actions to be taken - Define the action plan in light of the identified risks
- Manage risks:
 - ☐ Define internal processes
 - ☐ Review the contractual clauses with processors
 - ☐ Organize impact assessments Organiser les processus internes
- Organize internal processes:
 - ☐ Monitoring and evolution of processing
 - ☐ Change of processors
 - ☐ Security breaches
- Document compliance and improve it:
 - ☐ Draft or revise compliance and monitoring documents (register, IT charter, etc.)
 - ☐ Implement monitoring tools (audits, impact assessments)
 - ☐ Raise staff awareness and train the DPO

WHAT DOES OUR ASSISTANCE CONSIST OF?

In practice, we are at your disposal to assist you with all the steps identified by the CNIL and to put you in touch with IT specialists able to test the robustness of your information systems and security measures.

Please do not hesitate to contact us to arrange a meeting so that we may draw up a proposal tailored to the size of your company and your activities.

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COMMITTEE MEMBER



Membre du Réseau



TROIS (●) QUATORZE

23 rue Sala
69002 - LYON

+33 (0)6 83 25 34 63
valerie.chazaud@troispointquatorze.fr
Et nous suivre sur twitter: @3pointQUATORZE

www.troispointquatorze.fr