

# Meritas Data Protection & Privacy Law

## Getting ready for the new GDPR: Issues to consider now



The Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (GDPR) was published on 4 May 2016. Here are the final versions of the GDPR in [French](#), [Dutch](#) and [English](#).

The following is an overview of the main issues you will have to address before the deadline of 25 May 2018 and some ideas on where to start:

1. Perform an audit of the data currently being processed, determine whether the processing is documented in accordance with the GDPR and whether a data protection impact assessment (DPIA) is necessary. Keep only personal data necessary for the processing.
2. Check on what basis/grounds the processing is being carried out and, if it is on the basis of consent, check whether consent is still valid grounds according to the GDPR or whether another ground may be invoked. Check whether the consent wording used meets the (new) requirements of the GDPR.
3. Put together a team that will verify the scope and the impact of the GDPR and allocate a budget.
4. Verify whether you have to appoint a data protection officer (DPO).

5. Review your privacy notices and policies and make sure they are GDPR proof (sufficient information for the data subject).
6. Check your processing agreements and consider if you need to expand warranties (notably in case of sub-processing). Check whether the liability and indemnification provisions are appropriate under the GDPR.
7. Embrace privacy by design and privacy by default when developing a new product or a new service.
8. If you are a service provider, be aware that you have strict new obligations as a processor and not only an obligation to take organizational and technical measures.
9. Prepare for data security breaches and establish policies and procedures.
10. Establish a framework for accountability; establish a culture of monitoring, reviewing and assessing data processing.
11. Make staff aware of data protection and set up trainings – provide for confidentiality for staff processing personal data.

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12. Bear in mind that data subjects will be exercising their extended rights and that you will have to react swiftly via your DPO or any other single point of contact.
  
13. Check whether you have a valid basis for transferring data outside the EU.

We are of course at your disposal should you need any assistance in the performance of these tasks.

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