



# LAW SOCIETY

**> FINUAS** Network



## GDPR Implementation

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# Implementation

- Challenges
    - Recent CIPL Paper
      - Varying starting positions
      - Full compliance difficult
      - Organisations must prioritise compliance, based on the risk-based approach and accountability
  - GDPR
    - 173 Recitals
    - 11 Chapters
    - 99 Articles (having full force the law)
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# Some Examples

- Consent
  - Consent remains a valid lawful basis under the GDPR
  - Conditions for Consent
  - Existing Consents
  - Is consent achievable
- Enforcement
  - Rights of Action
  - Regulator enforcement

# Definition & Conditions

- Art 4(11) *“any freely given, specific, informed and **unambiguous** indication of the data subject’s wishes by which he or she **by statement or by a clear affirmative action**, signifies agreement to the processing of personal data relating to him or her.”*
- Art 7 – Conditions
  - Demonstrable
  - Clearly Distinguishable
  - Withdrawal
  - Pre condition of a contract

# Existing Consent

- Refresh consents if they don't meet the GDPR standard
- Recital 171:
  - Where processing is based on consent pursuant to Directive 95/46/EC, it is not necessary for the data subject to give his or her consent again *if the manner in which the consent has been given is in line with the conditions of this Regulation, so as to allow the controller to continue such processing after the date of application of this Regulation*

# Enforcement

- Rights of Action
  - Liability and right to compensation for material and non-material damage
  - Representation by not-for-profit bodies
- IDPC enforcement
  - Reporting of data breaches
  - Corrective powers & Administrative fines

THANK YOU

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