

D&B
DAVID SI BAIAS
Connected law firm of PwC

Navigating your journey to GDPR compliance

pwc



Agenda of the day



Data protection legislation at a glance



Key aspects

Data protection legislation

Current legal framework

- Law No. 677/2001 on the protection of individuals with regard to the processing of personal data and the free movement of such data
- Directive no. 95/46 on the protection of individuals with regard to the processing of personal data and on the free movement of such data

Legal framework applicable as of 25 May 2018

- General Data Protection Regulation

25 May 2018

General Data Protection Regulation is directly applicable and effective in all Member States

27 April 2016

The General Data Protection Regulation was published in the Official Journal of the European Union

12 December 2001

Law No. 677/2001 on the protection of individuals with regard to the processing of personal data and the free movement of such data comes into effect

13 December 1995

Directive no. 95/46 on the protection of individuals with regard to the processing of personal data and on the free movement of such data comes into effect

General Data Protection Regulation (“GDPR”)

- GDPR applies to the processing of personal data wholly or partly by automated means and to the processing other than by automated means of personal data which form part of a filing system or are intended to form part of a filing system

- Increase of fines up to **4% of the worldwide group turnover or 20 mil. EUR**
- Extension of data subjects' rights to claim damages.

Territorial scope

Material scope

Supervisory Authorities

Sanctions

Data processing carried out:

- In connection with natural persons (data subjects) located in the EU
- By controllers / processors with head-offices in the EU
- By controllers / processors located outside the EU if:
 - ✓ The offering of goods or services, irrespective of whether a payment of the data subject is required, to such data subjects in the
 - ✓ The monitoring of their behaviour as far as their behaviour takes place within the EU

- The National Supervisory Authority For Personal Data Processing
- If a controller carries out cross-border activities, it is possible to assign a lead supervisory authority.

What is „personal data“

Personal Data

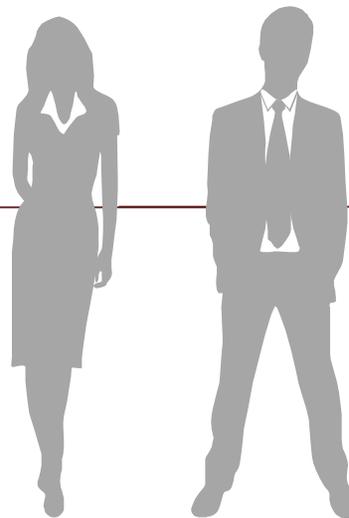
Any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier

Personal Data

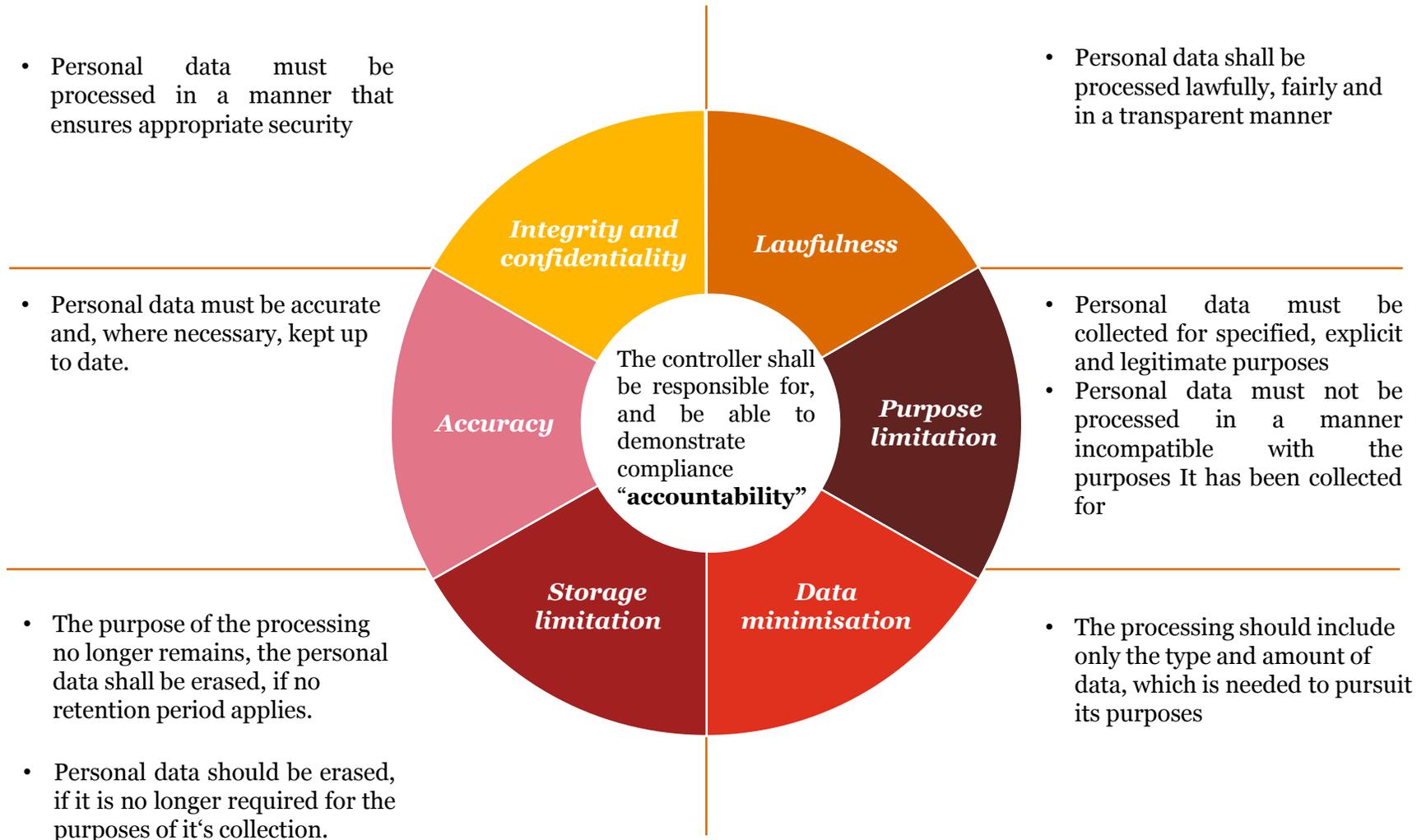
- **Name and surname**
- **Date of birth and place**
- **Citizenship**
- **Telephone / Fax**
- **Address**
- **Localization data**
- **Occupation**
- **Job**
- **Financial and economical status**

Sensitive Personal Data

- **Genetic data**
- **Biometric data**
- **Data revealing racial or ethnic origin**
- **Data revealing religious or philosophical beliefs**
- **Data revealing trade union membership or political opinions**
- **Data concerning health**
- **Data revealing sex life or sexual orientation**

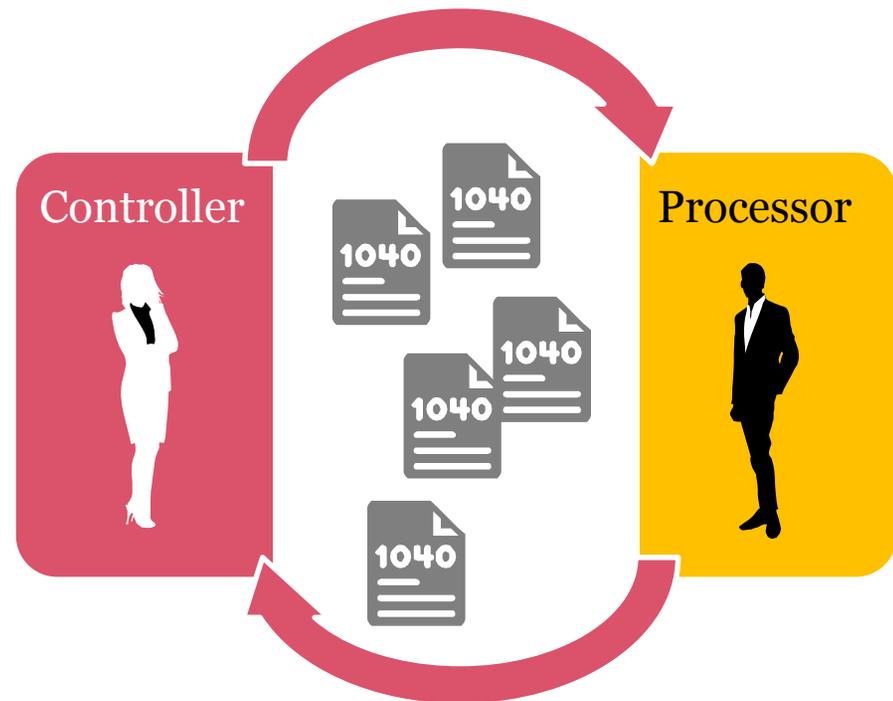


Principles of data processing



Controller and Processor

- **Controller:** determines the purposes and means of the processing of personal data
- **Processor:** processes personal data on behalf of the controller
- Parties must sign a data processing **agreement** with defined legal requirements
- **Liability** changed: Processor is now liable as well (e.g. Art. 82 II, IV, 83 IV GDPR); data subjects can address their rights directly to the processor



Thank you!

