BY
Helen Dixon

Helen Dixon was appointed as Data Protection Commissioner for Ireland in September 2014. Responsible for upholding the rights of individuals regarding how data about them is used, the role, among other things, requires regulation of a large number of US internet multinationals with European bases in Ireland

GDPR – the time to prepare is now

The General Data Protection Regulation (GDPR) is effective from 25 May 2018. All organisations should be preparing for compliance now, says Data Protection Commissioner Helen Dixon

The GDPR is a once-in-a-generation overhaul of Europe's Data Protection laws that will strengthen the rights of individuals and create a regulatory environment fit for purpose in the digital age.

Personal data is any data that can identify an individual – this includes names, contact details, health records, bank statements and so on, or indeed new types of data emerging alongside new technologies, such as your smartphone's location data or an IP address.

The GDPR will bring new responsibilities to organisations that use personal data and tough new penalties for non-compliance. Now is the time to get ready and review your handling of personal data.

Why GDPR?

The ways in which personal data are used have changed fundamentally since existing data protection laws were created. The Data Protection Acts were last amended in 2003 – at that time Google was in its infancy; Facebook not yet invented; and smartphones unheard of.

As society moves increasingly into the digital sphere, data protection and privacy concerns are coming to the fore.

For these reasons, the European Union has agreed a far-reaching reform of data protection laws effective from May 2018: the General Data Protection Regulation or GDPR.

It brings a set of clear, harmonised data protection rules that put the individual firmly in control. It benefits businesses and promotes growth and innovation by providing a safe, legal basis for using data, boosting consumer confidence in the digital economy, and replacing 28 differing sets of EU laws with a single EU-wide regulation.

Changes

The GDPR retains all of the familiar principles of data protection with which you are already acquainted. Namely, that information should be obtained fairly; used for one or more specific purposes; kept safe and secure; not excessive, out of date or irrelevant; retained for only as long as is necessary; and a copy of his or her data given to anyone that requests it.

However, it also adds two new principles of data integrity and accountability, reinforced by a number of new responsibilities.

Meanwhile, individuals will be empowered through new and more clearly defined personal data protection rights. The new law also introduces heavy new sanctions for non-compliance. The Irish data protection authority (DPC) will be responsible for driving compliance and enforcing the new law.

A new one-stop-shop provision allows multinational businesses to deal with a single lead supervisory authority in whichever country they are mainly established. This provision is particularly relevant in an Irish context – Ireland's Data Protection Commissioner will be lead regulator in Europe for many of the world's leading internet multinationals.

It's important to remember that there is no grace period after the 25th May 2018 – the new law will have direct, immediate effect, so the time to prepare is now.

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How to prepare

Preparing for compliance with the GDPR can seem like an intimidating task, and it will certainly demand focus, resources and attention.

As a first step, organisations can consult the DPC's *12 steps to being prepared* document available on our new microsite, GDPRAndYou.ie. As May 2018 approaches, this site will be continuously updated with more in depth and sector-specific guidance.

The foundation underpinning any preparations should be an awareness of what data you hold. Can you identify all of the data that you hold? For what purpose do you hold that data? What is your legal basis for processing? What measures do you take to secure it? Keeping these records is both a requirement of the GDPR and an essential first step in preparing for compliance.

A role for Accountants

Certified Public Accountants are well suited to data protection. Your expertise in record keeping and processing sensitive information and commitment to ethics in the public interest, are highly compatible with the principles behind data protection and the GDPR. The DPC will be expecting high standards of compliance from the accountancy sector.

Indeed, there are many similarities between the role of an accountant and a Data Protection Officer, so a data protection qualification is something a certified public accountant might consider as the GDPR drives demand for appropriately skilled and qualified data protection practitioners.

Summing up

The digital economy is here to stay and Data Protection will become an ever more crucial element of how we safeguard people's rights. The GDPR is designed to facilitate this shift in our society, and provide a safe environment for the use of personal data.

The key message here is that by preparing now for the GDPR, you can be in a position not only to navigate the challenges ahead but also to prosper and thrive in the digital age as you retain the trust of your clients.