

What is the General Data Protection Regulation (GDPR)?

On 25 May 2018, the General Data Protection Regulation (GDPR) will be enforced across Europe, including the UK. The law aims to give individuals better control over their personal data and to create a single set of data protection rules across Europe (unlike before, when each country had different requirements).

What does the GDPR do?

1. Creates a uniform privacy rule for all of Europe¹
2. Ensures that data subjects have control over the data that companies collect about them
3. Requires companies to be accountable for the data they process and store

Who does it impact?

1. Any EU entity, regardless of where it is located
2. Any entity handling data of a person located in the EU
3. Any entity processing personal data in the EU

What this means for publishers?

1. You will need to review and monitor what data you collect, how you collect and store it, and the notice you give your data subjects about what you collect, before you collect it
2. You could lose up to 40% of advertising revenue², according to recent market studies, if you are unable to serve targeted ads because your website does not comply with the GDPR
3. If you ignore this law, you could be fined up to €20m or 4% of your global annual turnover

But just remember: data protection is more than a compliance issue — this law was enacted because data subjects care about their privacy, and they expect you to do so, too. Companies will not only benefit financially from being compliant, but they'll also benefit from being responsible corporate citizens as well.

How can you prepare?

1. Get a solid understanding of the GDPR and what it requires
2. Create company awareness, assemble a multi-department task force, and begin team trainings
3. Retain outside counsel you can trust and determine if you'll need a Data Protection Officer
4. Understand what personal data you hold, whether you process data from children, and where this data flows both within your company and to and from your partners
5. Make sure you are processing data under one of the six lawful reasons for processing, and develop record keeping mechanisms and understandings with your partners
6. Update your template agreements and amend your existing contracts to account for the GDPR and the legal basis for your processing
7. Prepare to receive individual data subject rights requests and let data subjects access, update, or delete the data you have about them
8. Work with your data and IT teams to ensure that you have appropriate technical safeguards to avoid data breaches and mechanisms to report a breach in 72 hours
9. Determine the legal basis for your transfers of data outside the EU
10. Incorporate Data Protection by Design and Data Protection Impact Assessments into routine business practices and keep your data maps up to date

¹ This includes the 28 members of the European Union, including the United Kingdom, as well as Iceland, Norway, and Liechtenstein.

² datadrivenadvertising.com

** This is not a comprehensive review of the GDPR, nor is this legal advice. For further information and specific guidance, please reach out to your legal counsel.