

GENERAL DATA PROTECTION REGULATION

MORE FLEXIBILITY

MORE OBLIGATIONS

ADMINISTRATIVE BURDEN	<p>Less formalities</p> <ul style="list-style-type: none"> No more notifications to the supervisory authority. <p>Consistent application guarantees</p> <ul style="list-style-type: none"> The European Data Protection Board will be established to assure uniform application of the Regulation throughout the EU. 	<p>The regulation remains complex</p> <ul style="list-style-type: none"> New abstract principles of accountability, integrity and confidentiality, data protection by default and design established; All former principles related to data processing remain intact (e.g., purpose limitation, data minimization, data accuracy); To understand the Regulation, due knowledge of guidelines and practice of the national supervisory authorities remains a must; Numerous legislative drafts on both national and EU levels must be closely followed to understand future data privacy regulatory setup.
OBLIGATIONS OF DATA CONTROLLER	<p>Independent compliance</p> <ul style="list-style-type: none"> Self-regulation and risk-based approach are cornerstones of future data privacy compliance; Free choice of security measures for data processing activities; Sectorial self-regulation through industry codes of conduct offers to facilitate data privacy compliance for members of industry associations; New certification mechanism - an additional measure to demonstrate compliance with the Regulation. <p>Personal code</p> <ul style="list-style-type: none"> Expanded number of legal basis for personal code processing. 	<p>Active compliance</p> <ul style="list-style-type: none"> Certain companies will be required to designate a data protection officer; Certain companies will be required to conduct periodic trainings of their employees on personal privacy; Certain companies will be required to perform a data protection impact assessment and consult supervisory authority on data processing matters; New obligations for data controllers who jointly control personal data; New obligation to notify data subject about the correction, deletion or restriction of processing of personal data. <p>Strict requirements for legitimate processing</p> <ul style="list-style-type: none"> Tightened rules for obtaining a consent (for any kind of processing: cookies, direct marketing), new requirements for the content and for means to obtain consent; easier withdrawal of the consent for data subjects; Reduced number of instances when legitimate interest can be used as a legal ground to justify data processing; The definition of personal data clarified and the concept of special categories of personal data expanded; Processing of criminal convictions remains a subject of national law which seems to impose additional constraints in this regard.
STATUS OF DATA PROCESSOR	<p>Independence</p> <ul style="list-style-type: none"> Less dependency on data controller (guarantee to object illicit requests of data controller); Possibility to limit contractual liability remains, as long as restrictions are within the scope allowed by law. 	<p>Responsibility</p> <ul style="list-style-type: none"> Duties and obligations similar to those of the data controller foreseen; Liability is no longer limited to contractual provisions. Administrative liability, identical to the liability of the data controller, foreseen.

<p>DATA TRANSFERS TO THIRD COUNTRIES</p>	<p>More opportunities for data transfers</p> <ul style="list-style-type: none"> • On the basis of adequacy decisions (e.g., USA-EU “Privacy shield”, 10 other jurisdictions with simplified transfer rules); • On the basis of binding corporate rules; • On the basis of boilerplate contract approved by the European Commission; • On the basis of supervisory authority permission. 	<p>–</p>
<p>MANAGEMENT OF AND LIABILITY FOR PERSONAL DATA BREACHES</p>	<p>More effective supervision</p> <ul style="list-style-type: none"> • International corporate groups and their members in Lithuania may choose the supervisory authority (one stop shop mechanism). 	<p>More supervision</p> <ul style="list-style-type: none"> • Effective, proportionate, and dissuasive fines are introduced (up to 20 000 000 EUR, or in the case of an undertaking, up to 4 % of the total worldwide annual turnover of the preceding financial year, whichever is higher); • The powers of supervisory authority are expanded, new remedial measures to be introduced; • Mandatory notifications to supervisory authority about the breaches of personal data security. Additional requirement to notify the client personally if the breach is likely to cause severe privacy implications.
<p>RIGHTS OF DATA SUBJECTS</p>	<p>–</p>	<p>More protected data subjects</p> <ul style="list-style-type: none"> • Data subject rights and their implementation tightened: data subject rights to access own personal data, to be forgotten, to restrict the processing of own personal data; • Brand new right to data portability; • Plans to limit the scope of employee and candidate data processing; • More detailed information about personal data processing (transparency notice) for data subjects; • All current data subject rights and the obligation to properly identify data subject before implementing them remains.
<p>COMMERCIAL USE OF DATA</p>	<p>–</p>	<p>Automated decision making regulated more strictly</p> <ul style="list-style-type: none"> • New regulation of profiling (i.e., client grouping, evaluation); • Tightened rules for automated decision making regarding employees or clients (i.e. continuity of commercial relations, size of the discount). <p>Clarified requirements for regular marketing</p> <ul style="list-style-type: none"> • Tracking client activity on internet (cookies), geolocation; • Direct marketing.
<p>SCOPE OF APPLICATION</p>	<p>–</p>	<p>Extraterritoriality</p> <ul style="list-style-type: none"> • Regulation is applicable for processing activities beyond the EU/EEA (i.e. processing in cloud servers or processing through abroad service providers will be within the reach of the Regulation); • Regulation is applicable to companies established outside the EU/EEA processing data of or tracking EU residents.

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