

TWELVE KEY POINTS

GD

Enhanced rights and new rights

Right to be forgotten, data portability, restriction of processing etc.

Mandatory notice of data breaches

Obligation on data controllers to notify data breaches to the supervisory authority without undue delay and where feasible, not later than 72 hours after they become aware of the breach, unless there is no risk for the rights and freedoms of the data subjects.

Increased responsibility of data processors

In addition to advisory duties, data processors must now maintain a special record of processing activities and implement "appropriate technical and organisational measures".

More severe penalties up to €20,000,000 or 4% of the

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Appointment of a Data **Protection Officer**

Mandatory (Art. 37) or strongly recommended.

A single regulatory framework

directly applicable from May 25, 2018 in all EU member states.

Extended scope of application

- Applies to all data processing by a controller/processor based within the EU, even if the data is processed outside the EU.

- Also applies to any processing of data of EU residents, even if the data controller or processor is based outside the EU (extra-territoriality).

Data protection by design and by default

Appropriate technical and organisational measures must be put in place. Data only processed where necessary.

New approach with accountability

Previous approach was based on prior notice/ex-ante controls. New regulation introduces an ex-post control system. Organisations must therefore be able to demonstrate compliance at all times.

Impact assessments

When the data processing is likely to result in high risks to rights and freedoms of the data subjects.

Extended definition of sensitive data A definition of health data

All data related to the health of data subjects, revealing information about their past, present or future physical or mental health.

Now includes genetic and biometric data. General prohibition on sensitive data processing remains the principle.

annual worldwide turnover of the preceding financial year.



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