

June 1, 2018

## **General Data Protection Regulation (GDPR)**

On May 25, 2018, the General Data Protection Regulation (GDPR) became law in Europe, with far-reaching effect. If there is any chance that you collect and retain personal data from individuals in the European Union (EU), you should question whether your activities comply with the GDPR requirements. For organizations that fail to comply with the regulation, substantial fines are the risk.

**In today's global information world, assume you are subject to the GDPR if you collect any data from individuals.** The GDPR is designed to give individuals in the EU better control over their personal data, defined as any information relating to an identified or identifiable natural person in their private, public or work roles, and includes online identifiers, such as IP addresses and cookies. Organizations outside the EU are subject to this regulation when they collect data concerning any EU citizen. These days, that probably includes most everyone who collects any data submitted online.

Here are a couple of quick tips on what you may need to do to comply with the GDPR:

**Get Consent.** The individual whose data you are holding must consent to your holding of their data. Consent means *“any freely given, specific, informed and unambiguous indication of his or her wishes by which the data subject, either by statement or by a clear affirmative action, signifies agreement to personal data relating to them being processed”*. Organizations will need to be able to show how and when consent was obtained and that the data obtained is for specific, explicit and legitimate purposes – so get it in writing or by some online affirmative action.

**Permit Withdrawal and Delete Data of Withdrawn Individuals.** You must permit the individual whose data you are holding to withdraw their consent at any time, and to comply with their right to be forgotten, the data must be erased. When companies obtain data from an individual, some of the areas that must be made clear to the data subject are: the identity and contact details of the organization behind the data request; the purpose of acquiring the data and how it will be used; whether the data will be transferred internationally; the period for which the data will be stored; the individual's right to access, rectify or erase the data; the individual's right to withdraw consent at any time; and the individual's right to lodge a complaint.

Compliance with the GDPR is more complex than is addressed here. Educate yourself further, and make sure your third-party website or marketing contractors are aware of the GDPR and complying. Peacock Law can assist. For questions please contact **Janeen Vilven-Doggett**: Phone: 505-998-6134; Email: [jvilven@peacocklaw.com](mailto:jvilven@peacocklaw.com).