



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

A Point of View for Global In-house
Centres (GICs) in India

For private circulation only

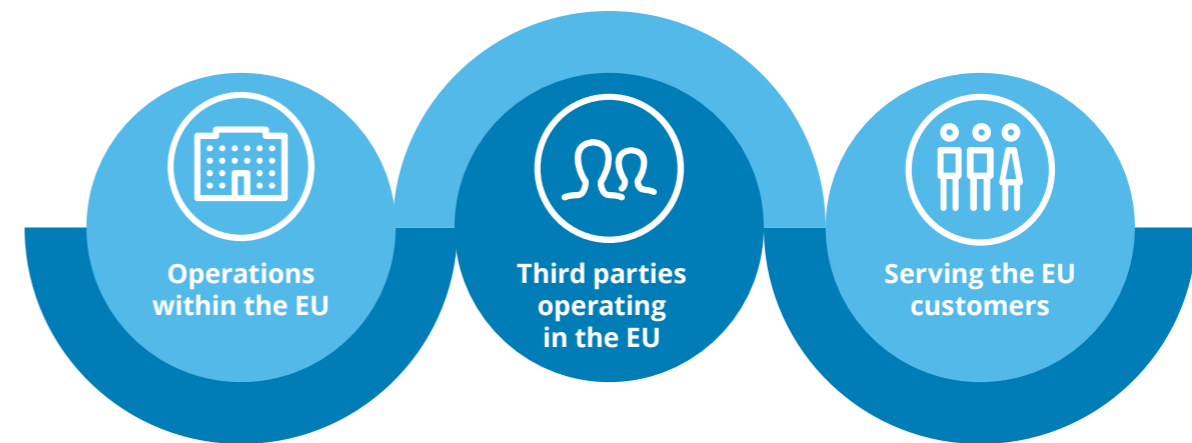
Risk Advisory



Preface

Does the EU GDPR impact organisations in India?

Yes! This new law will have a profound impact on the operational and control environment of the organisations, not only within EU but also within the organisations based outside the EU having:



This is a border less and sector neutral legislation. It goes beyond EU to 'organisations offering goods or services to customers in EU', 'organisations that monitor the (online) behavior of the EU customers' and during these services such organisations access/process/host/store "personal data" of EU customers.

With enforcement date approaching fast (25 May 2018), organisations are recommended to quickly assess GDPR's applicability and initiate readiness journey at the earliest.

Note: Map on this slide is only for the representation purposes.





Content

Understanding this new regulation	6
Impact of GDPR on Global In-house Centres	10
Are you prepared?	12
How can we help?	13
Key contacts	14

Understanding this new regulation

How it applies to Indian organisations?

- The General Data Protection Regulation (GDPR) is a law or a regulation which was adopted by the European Commission on 27 April 2016.
- It is scheduled to go into enforcement effective 25 May 2018 and is expected to impact organisations across the globe that do business in Europe.
- A core feature of the GDPR is that as a regulation, rather than a directive, it does not require enabling legislation in each member state, something that historically led to inconsistencies.
- As per the Article 2 "Material Scope", this regulation applies to the processing of personal data wholly or partly by automated means.
- Applicability (as per the Article 3 "Territorial effect") of GDPR is linked to the processing of the "personal data"
 - In the context of the activities of an establishment of a controller or a processor in the EU, regardless of whether the processing takes place in the EU or not.
 - Of data subjects who are in the EU by a controller or processor not established in the EU, where the processing activities are related to the offering of goods or services, to such data subjects in the EU; or the monitoring of their behaviour as long as their behaviour takes place within the EU.
 - By a controller not established in the EU, but in a place where member state law applies by virtue of public international law.

Is it a 'must' to comply?

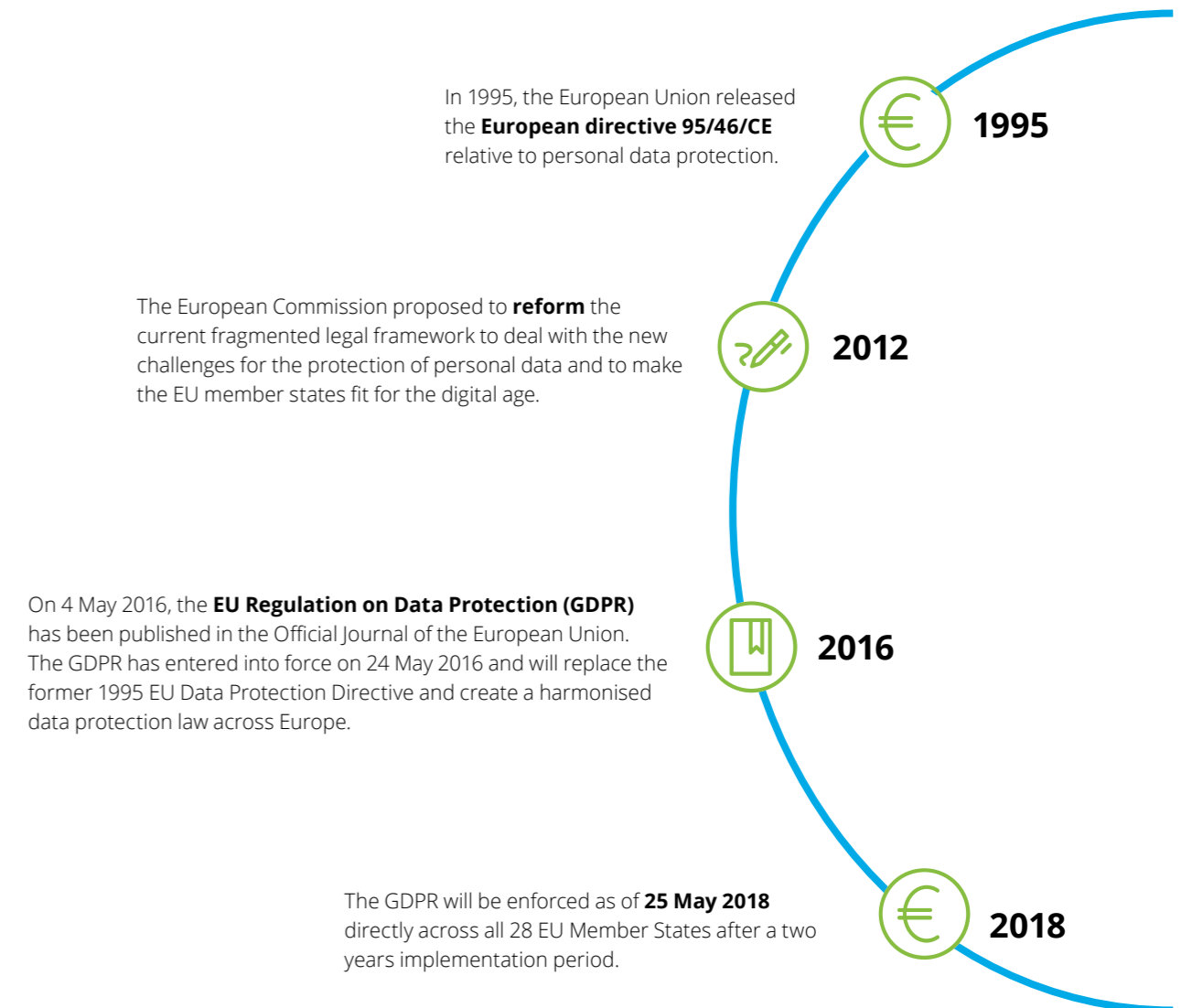
Yes, if your organisation is subject to this regulation.

Any impact of its non-compliance?

Key impact – penalty of maximum 4% of annual worldwide turnover or €20 million (greater of the two)!!!

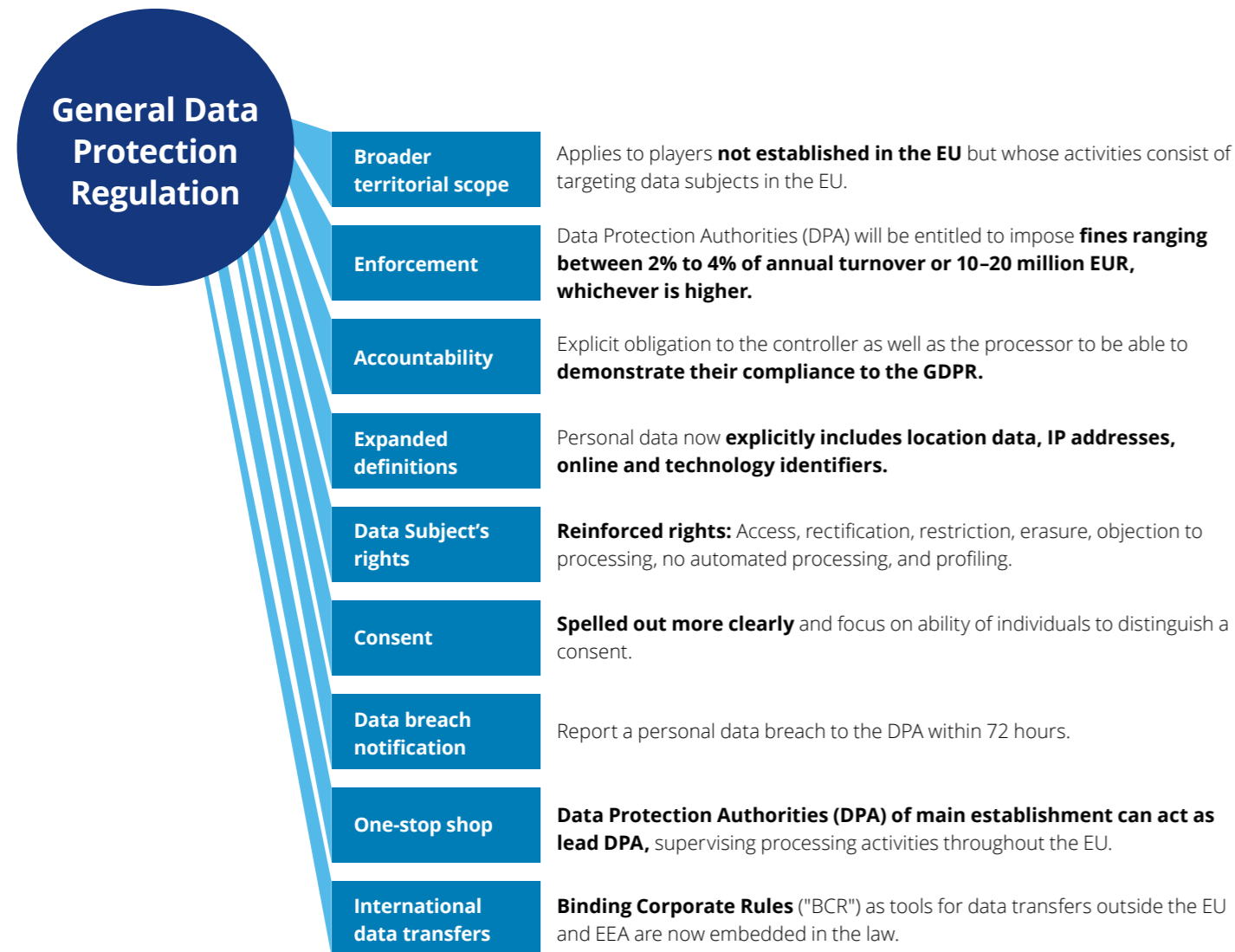


How it evolved?

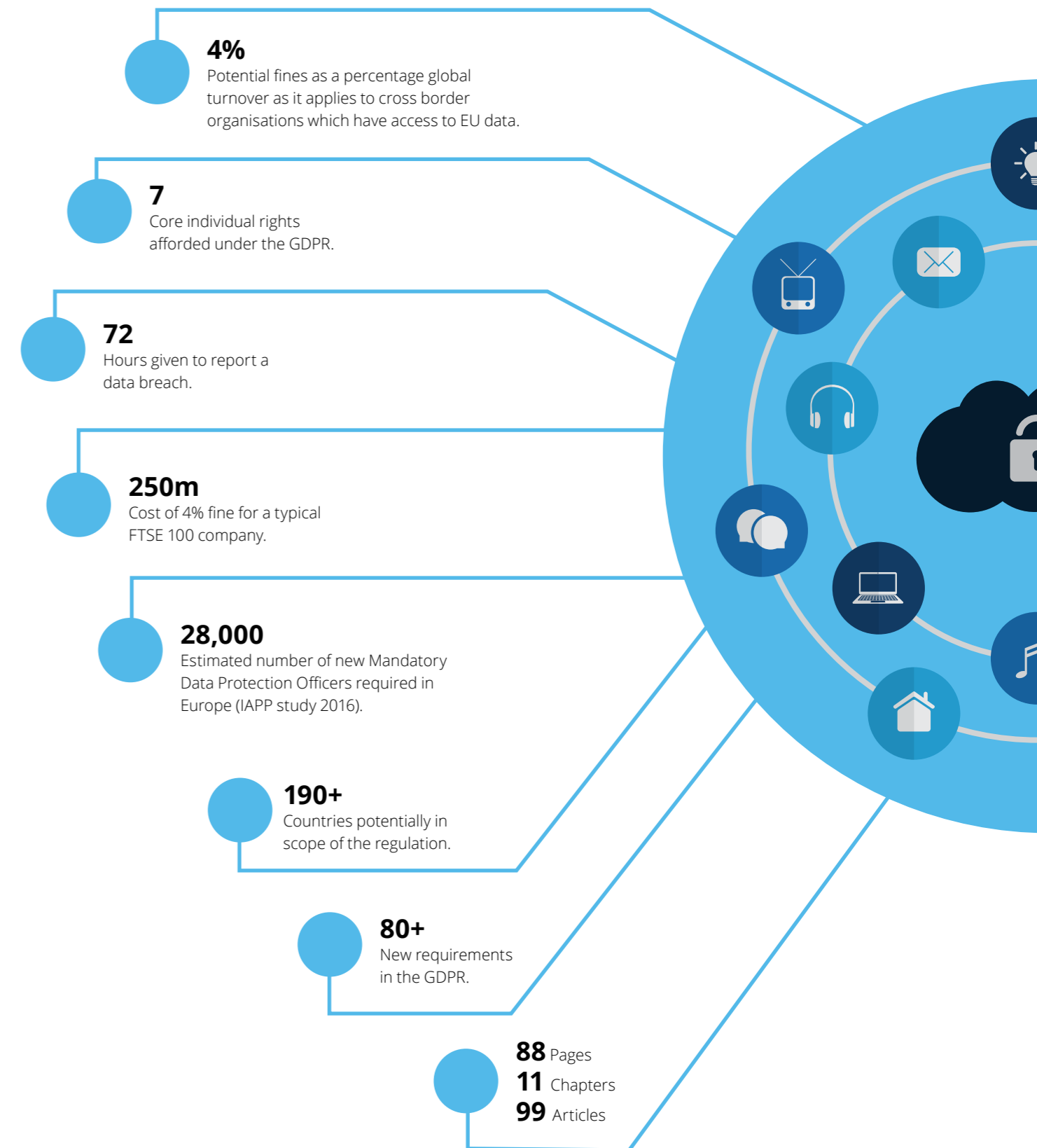


What has changed?

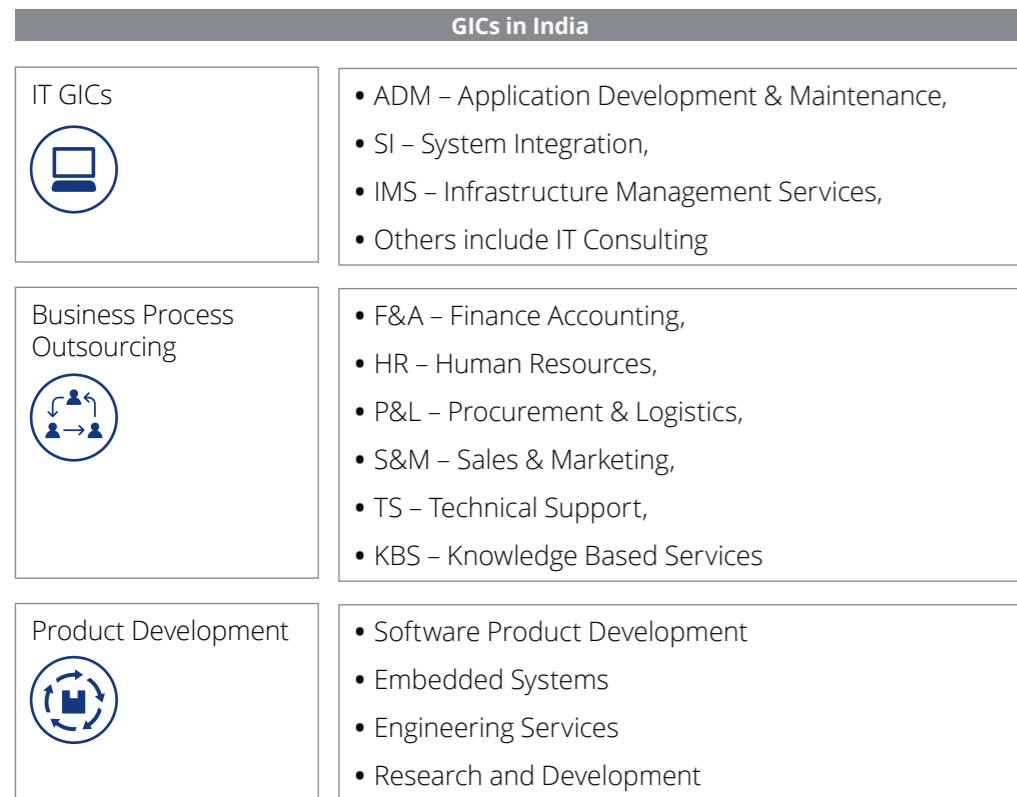
What has changed from the former 1995 EU Data Protection Directive?












Understanding GDPR in numbers



Impact of GDPR on Global In-house Centres (GICs)



			Actionable by GICs?
Broader territorial scope		Applies to any organisation handling EU citizens data	✓
Enforcement		Non-compliance results in fines	✓
Accountability		Demonstrate Compliance Responsible for Compliance by third parties Privacy by design/default Training and awareness	✓
Expanded definitions		Data Classification Data Management Data Security	✓
Data Subject's rights		Privacy by design/default Data Lifecycle Management Data Security	✓
Consent		Unambiguous consent required	✗
Data breach notification		Incident Management Process Crisis Management Report to DPA within 72 hours Report to Data Subject as soon as possible	✓
One-stop shop		One Data Protection Authority (DPA) to act as lead DPA for reporting	✗
International data transfers		Third Party Management Contract Management Vendor Review	✓

* Representative action/impact areas and may vary with organisations.

Are you prepared?



Respond

- Do you have a process to enable data subjects' rights such as request for access/ portability or erasure?
- Is there adequate processes in place to respond and notify data breaches?



Monitor

- Are compliance metrics identified and measured?
- Are processes, systems, and networks monitored to identify data access, use, change and breaches?



Governance

- Are roles and responsibilities defined?
- Has an assessment of the organizations' risk exposure from EU GDPR been conducted?
- Do you have oversight of the data lifecycle from the point of origin to destruction?
- Is there a process for identifying and responding to local regulatory requirements in addition to GDPR?



Assess

- What types of data do you collect, and where does the data originate?
- Are adequate controls in place for use, processing, storage, transfer and destruction?
- Are Privacy Impact Assessments conducted as required?
- Are internal and independent reviews conducted on a periodic basis?



Protect

- Do you have a process to perform a risk analysis or new or changing business processes?
- Is Privacy by Design and Privacy by Default incorporated within the processes?
- Will you able to erase data when requested?
- Are technological safeguards in place to protect sensitive data?

How can we help?

Our service offerings*

Deloitte has a dedicated team of specialists with a deep expertise in privacy data protection programs across large scale and complex organizations, embedding change and offering a full spectrum of **GDPR related services**:

 GDPR readiness assessment	 Change programme design and delivery	 Third party management
 GDPR compliance roadmap	 Incident Management Framework	 GDPR program monitoring and roll-out strategy
 Global privacy compliance assessment	 Data discovery, mapping, and inventories	 Governance and compliance review
 GDPR technology impact assessment	 Privacy-by-design advice and application	 Privacy risk and compliance training
 Privacy programme development	 Data leakage protection	
 Privacy strategy and roadmap development	 Privacy impact assessment and health check	

*Deloitte Touche Tohmatsu India LLP offers advisory services on aspects related to Governance, People, Technology and Processes to help address the requirements under GDPR. Kindly note that Deloitte Touche Tohmatsu India LLP does not provide any legal advice, including any legal advice relating to privacy or data protection laws.

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