



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

A Point of View for Technology Sector
Organisations

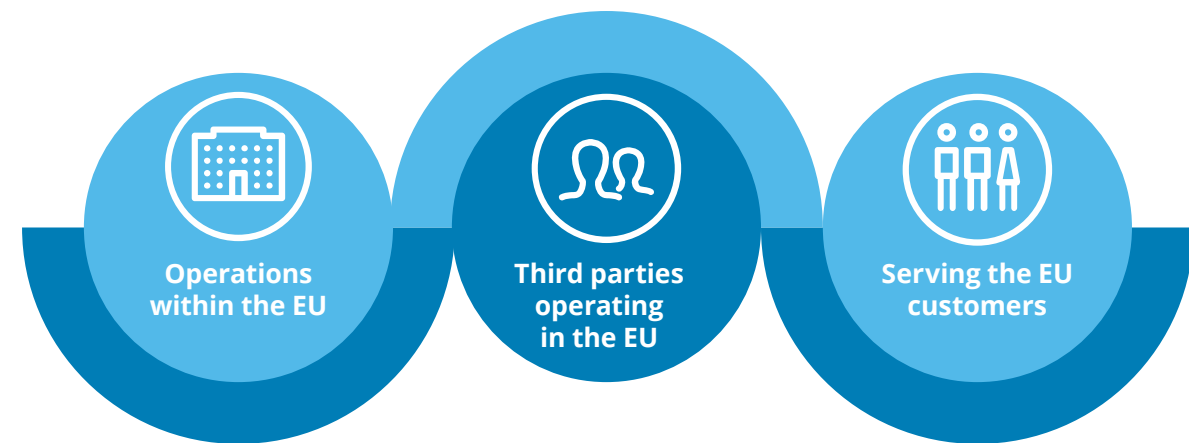
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Preface

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.

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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?

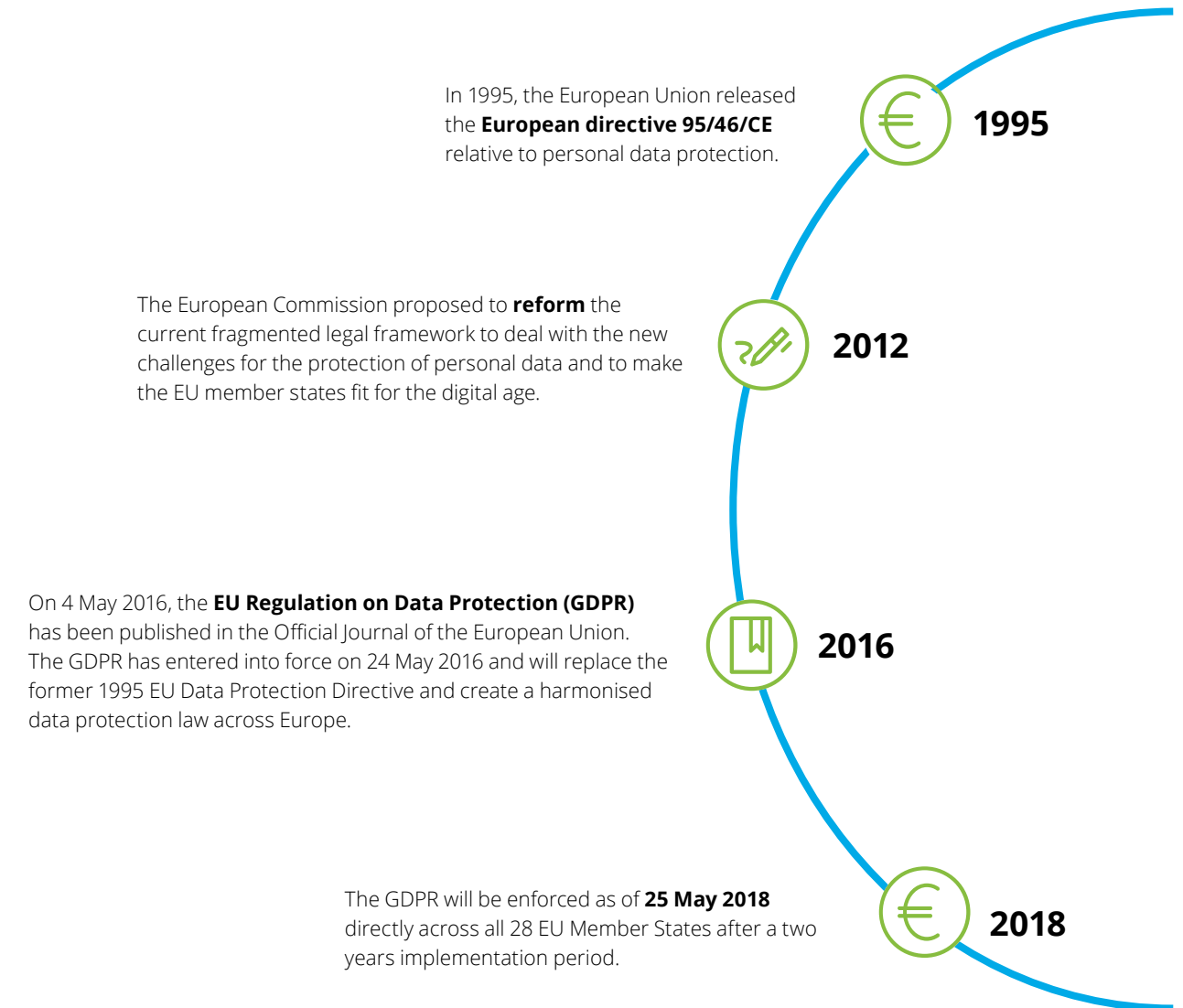
Yes, if your organisation is subject to this regulation.

Any impact of its non-compliance?

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

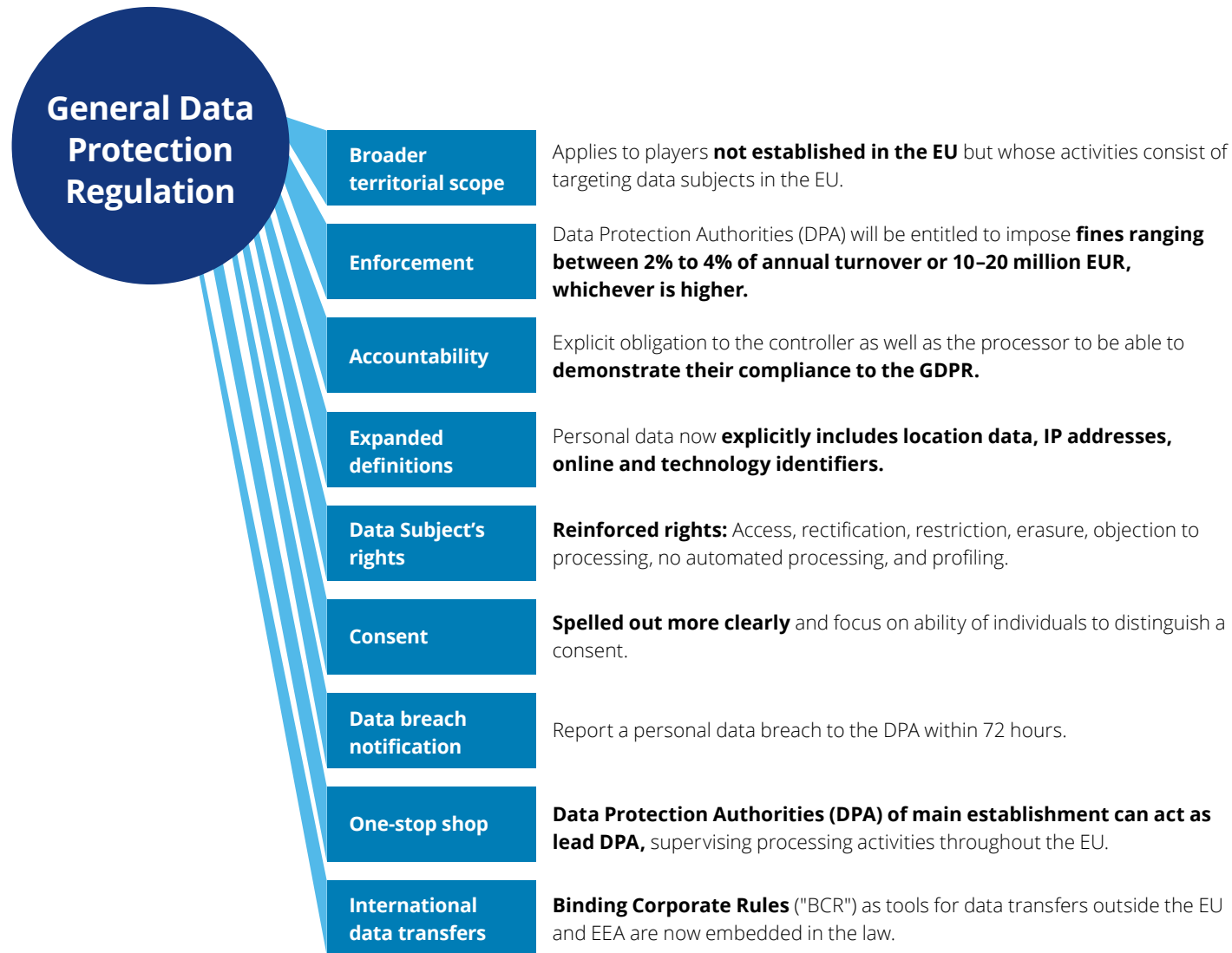


How it evolved?

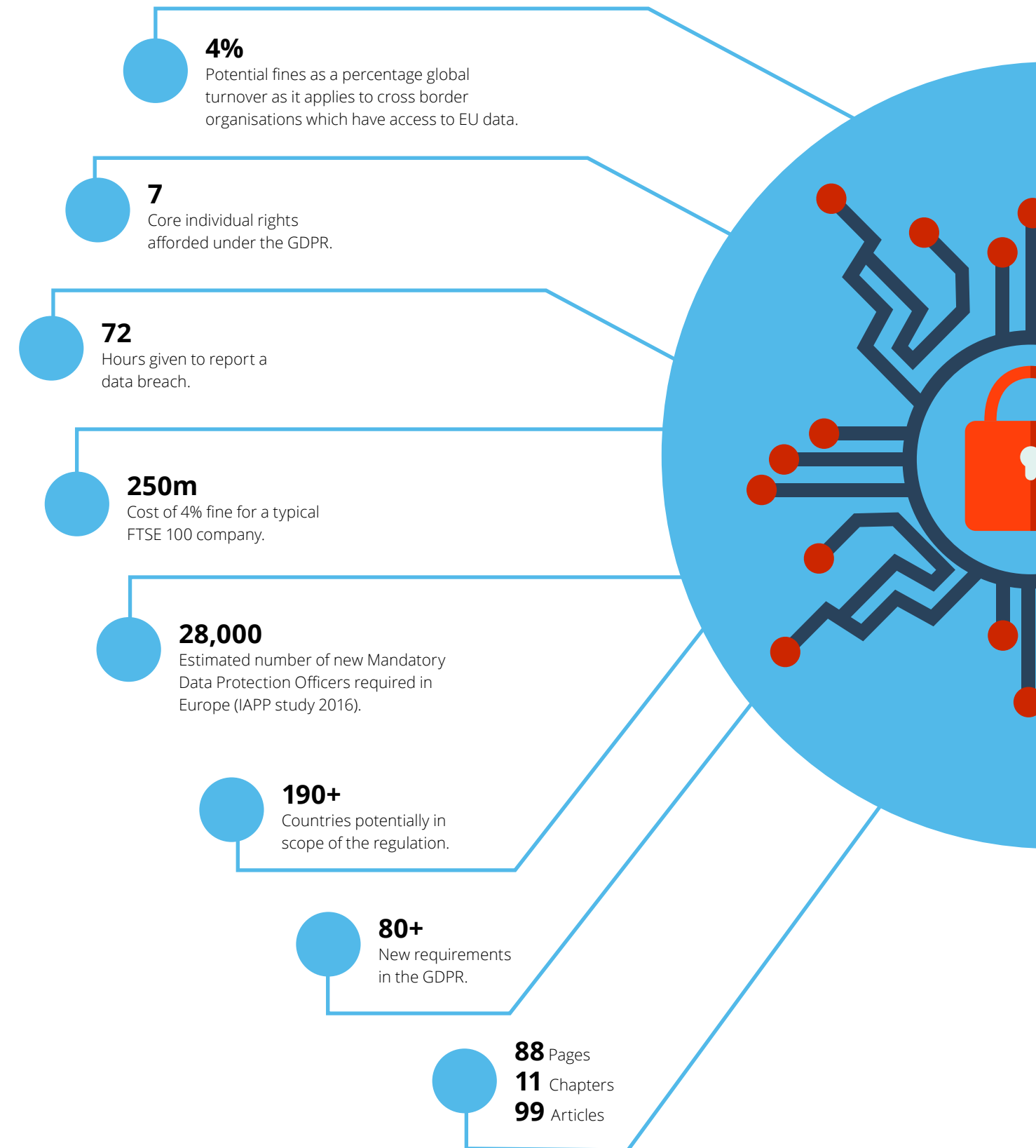


What has changed?

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



Understanding GDPR in numbers



Indian Organisations Operating in Technology Sector GDPR – A big opportunity to grow!

Europe is estimated to be \$45bn potential outsourcing opportunity for Indian Technology Services vendors. Being GDPR compliant will be an opportunity for IT organisations, not just for pursuing new avenues in the EU region but also for renewing existing contracts.

Indian Technology companies, (as service providers and employers) will collect and use personal data extensively. Being Data Collectors and Data Processors, these companies will not only need to fully understand the GDPR requirements but will also need to prepare well in advance of 2018.

This will require companies to educate and train all its stakeholders and also reassess and significantly redesign its business processes and controls in activities ranging from sales & marketing, pre-sales & project costing to data acquisition, data processing, data management (retention and purging) to compliance and reporting.

Global reach

No matter where you are located in the world, if you offer **goods or services** to EU based customers or **collect their personal data**, the GDPR applies to you.



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?



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?



Monitor

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



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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