

## GDPR Compliance Steps

Last updated: 10/5/2022

### **Step 1: Awareness**

Make sure all key decision makers in your organisation are aware there are changes coming and ask them to consider the impact of these changes. This applies whether you are a sole trader or employee in a large organisation.

### **Step 2: Information You Hold**

Create an audit of all the personal information you hold. This includes data held on and offline, in cloud space or filing cabinets. You must ensure you know what is held, where it is held, what it is used for and where it came from. This information will form part of your privacy policy.

### **Step 3: Communicating Privacy Information**

If you haven't already done so, you should create a privacy policy that details the information you have sourced from step 2. The policy needs to be publicly available and understandable to read, no legal talk, just plain English.

### **Step 4: Individual's Rights**

Personal information should be considered to be the ownership of the individual who the data is about. You must be able to provide a legitimate claim for holding the data as well as having a plan in place for being able to remove data, should the request be made. You must also be able to provide an electronic copy of all data you hold on an individual, should it be requested.

### **Step 5: Subject Access Requests**

A subject access request (SAR) is a request from an individual to have a copy of all the data you hold on them. If a subject access right is made you will not be able to make a charge for the request and must be able to comply within one month. Refusal or charging for a request is possible but the grounds for both must be detailed to the individual, for which they have the right to appeal. In most standard cases a charge is unlikely to be acceptable.

## Step 6: Lawful Basis for Processing Personal Data

Do you know what the lawful basis for holding personal data is? In most cases it's likely that you have requested consent, at some point, but this needs to be documented in your privacy policy. If consent is the lawful basis for holding personal data then an individual has the right for that data to be deleted.

## Step 7: Consent

You must review the basis for which you seek, record and manage consent. If you can't provide evidence of data having been sought using methods that comply with GDPR consent rules then you will have to request consent again in order to continue holding the data. [A detailed guidance on consent can be found here](#) and you should use this to review your current procedures. A key point is that consent must be via an opt-in process and may not be included as part of other terms and conditions. For example, a condition of creating a new account, may not be that the new registration is automatically added to a mailing list.

## Step 8: Children

For the first time an individual's age may be of consideration when collecting data. There will be new protective rights for children's personal data and you should consider if your arrangements need to gain parental consent and / or verification of age. An individual may not consent until the age of 16, although this may be reduced to 13 in the UK.

## Step 9: Data Breaches

Would you be able to detect if a data breach has taken place? If not you must update your systems to ensure you can detect, report and investigate a data breach. It is likely that a data breach will require you, by law, to notify the individual(s) as well as the ICO. By reviewing this step you can document when and where any possible data breach needs to be recorded.

## Step 10: Data Protection by Design

Essentially this is ensuring that any new system is created with privacy at the centre of the design process. Considering the privacy implications after development of a new system will no longer be legal. When there is a possible privacy risk with new implementations a Data Protection Impact Assessment (DPIA) should be carried out. You should create a system for knowing what the assessment will include,

who will carry it out and who else needs to be involved in the assessment. [Further guidance for DPIAs can be found on the ICO website.](#)

## Step 11: Data Protection Officers

Public organisations and organisations that carry out large scale monitoring of data are formally required to employ a Data Protection Officer (DPO). A small organisation should still appoint someone to have a responsibility for data protection, even if it's not their primary or sole duty within the organisation. This can then be documented in a privacy policy making it clear who the point of contact should be.

## Step 12: International

If your organisation has offices or working buildings within a number of EU member states then you should nominate a lead supervising authority. This should be the location that is responsible for the majority of your organisations administration or where decisions can be made.

## GDPR Glossary

There are a number of terms that you will here being used when discussing GDPR so we have created a list of some of the most common terms and what they mean:

**Data Processor:** Processes data at the instruction of the controller.

**Data Controller:** The collector of the data and person who makes decisions about the use of the data.

**Consent:** You may not use indecipherable terms and conditions filled with legalese. It must also be as easy to withdraw consent as it is to give consent.

**Breach Notification:** You must report the event of a data breach within 72 hours. This is not 72 business hours and the notification must be sent to data controllers and customers.

**Right To Access:** Customers have the right to obtain confirmation from data controllers of whether their data is being processed. An electronic copy of the data should be provided free of charge if requested.

**Right to be Forgotten:** If the data is no longer relevant to its original purpose customers can ask the data controller to erase their personal data. There are cases where this would not be practical, for example, in order to keep a product warranty valid for the full term of the warranty or if the data could be used as part of any investigation.

**Privacy by Design:** Data protection must be considered from the beginning of the design process for any new systems.

**Data Protection Officers:** DPOs must be appointed in public authorities or large organisations (>250 employees) that monitor or process personal data.

**Subject Access Request:** A subject access request is when an individual requests a copy of the information that is held on them. This must be able to be provided electronically within one month.

**Data Protection Impact Assessment:** A data protection impact assessment (DPIA) is an assessment that should be carried out to evaluate the risk to data protection on new technologies or systems that will be introduced. As part of the privacy by design requirement, data protection assessment must be carried out prior to a new technology or system being introduced.