

GDPR

The Beginner's Reference Guide



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Definitions and Key Terms of Consent

Consent

Consent: "Any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her."

Normal vs Explicit

Explicit consent is required for sensitive data, and must be "affirmed in a clear statement" in words.

Normal consent can be a clear affirmative statement or action.

Personal vs Sensitive Data

Personal data: "Personal data" means any information relating to an identifiable natural person, such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person.

Sensitive data: "Sensitive Personal Data" is personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership; data concerning health or sex life and sexual orientation; genetic data or biometric data.

Processor vs Controller

Controller: "Controller" means the natural or legal person, public authority, agency or any other body which alone or jointly with others determines the purposes and means of the processing of personal data.

Processor: "Processor" means a natural or legal person, public authority, agency or any other body that processes personal data on behalf of the controller.

Key Terms

Unbundled: Consent requests must be separate from other terms and conditions. Consent should not be a precondition of signing up to a service unless necessary for that service.

Active opt-in: Pre-ticked opt-in boxes are invalid – use unticked opt-in boxes or similar active opt-in methods

Granular: Give granular options to consent separately to different types of processing wherever appropriate.

Named: Name your organisation and any third parties who will be relying on consent – even precisely defined categories of third-party organisations will not be acceptable under the GDPR.

Documented: Keep records to demonstrate what the individual has consented to, including what they were told, and when and how they consented.

Easy to withdraw: Tell people they have the right to withdraw their consent at any time, and how to do this. It must be as easy to withdraw as it was to give consent. This means you will need to have simple and effective withdrawal mechanisms in place.

No imbalance in the relationship: Consent will not be freely given if there is imbalance in the relationship between the individual and the controller – this will make consent particularly difficult for public authorities and for employers, who should look for an alternative lawful basis.



The 8 rights of individuals

8 RIGHTS OF INDIVIDUALS AND HOW THEY CAN AFFECT YOUR DATA AT VUTURE

01	Right to be informed - informing contacts who you are, what you are processing and that third parties are using their data.	
02	Right of access - contacts can ask for information on your data processing and ask for all their data that you hold.	
03	Right to rectification - contacts can ask for their data to be updated, and you need to ensure you replace/delete old data.	
04	Right to erasure - contacts can ask for all their data to be purged.	
05	Right to restrict processing - contacts can ask for their data to only be used for limited purposes.	
06	Right to data portability - contacts can ask for all their data to be downloaded and moved to other controllers.	
07	Right to object - contacts can object to processing, direct marketing and profiling.	
08	Rights to automated decision-making and profiling - contacts must give explicit consent for profiling.	



Security and Privacy

Security and Privacy Cheat Sheet

Privacy by Design

PRIVACY BY DESIGN IS
AN APPROACH TO
PROJECTS THAT
PROMOTES PRIVACY
AND DATA PROTECTION
COMPLIANCE FROM
THE START.

7 FOUNDATIONAL PRINCIPLES OF PRIVACY BY DESIGN:

- Proactive not Reactive; Preventative not Remedial – stopping the threat before it happens, not after
- Privacy as the Default Setting – no action is required to prevent data loss
- Privacy Embedded into Design – controls are implemented in the design phase of projects and tasks
- Full Functionality — Positive-Sum, not Zero-Sum - everyone has a say in the privacy controls
- End-to-End Security; Full Life Cycle Protection - data is protected along its entire life cycle
- Visibility and Transparency; Keep it Open - we can be trusted to be implementing the best privacy controls
- Respect for User Privacy; Keep it User-Centric – keep the message and functionality simple

Security Basics

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- Ensuring you have anti-virus and anti-malware on all systems
 - All applications are accessible by using usernames and strong passwords
 - You enable logging and auditing on networks and applications
 - Ensuring you have adequate change management principles
 - Encrypt your data!

Want to learn more about how to get ready for GDPR?

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