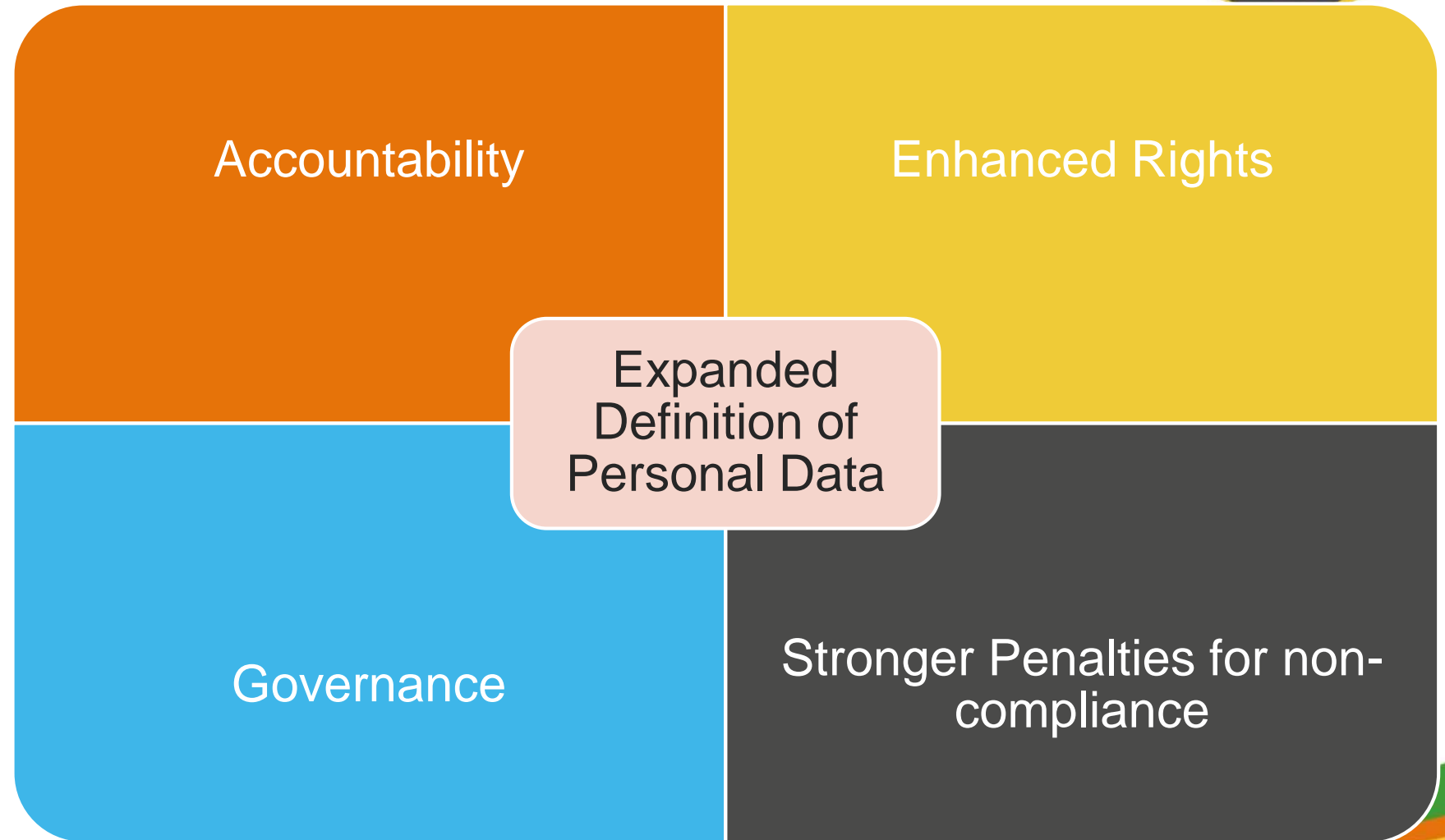


# GDPR and Equalities

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# What does GDPR cover?



# Risk Management and Demonstrating Compliance



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- GDPR is about managing risk
- Demonstrate compliance e.g. write it down
- Information Asset Register becomes key tool for demonstrating compliance
- No right or wrong answers – show your working out
- Have the appropriate security for the level of risk – special category is automatically higher risk
- Doesn't mean you can't do something – GDPR doesn't say no!

# GDPR Requirements

- **Accountability**
  - Justify why you are processing data (what is your legal basis?)
  - Demonstrate compliance e.g. consent
- **Stronger Rights**
  - Right to be forgotten
  - Right to rectification
  - Shorter time for right of access
- **Governance**
  - Appoint a Data Protection Officer
  - Staff Training
  - Do you know where your personal data is?
- **Penalties**
  - Increase from £500,000 to 4% of annual turnover or 20M Euro

# Personal Data



**any** information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, **directly or indirectly**, in particular by reference to an **identifier** 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 natural person;

# Special Category

Can often be used to discriminate against people  
Extra care / justification required

Special Categories are:

- racial or ethnic origin,
- political opinions,
- religious or philosophical beliefs,
- trade union membership, and
- processing of genetic data, biometric data for the purpose of uniquely identifying a natural person,
- data concerning health
- data concerning a natural person's sex life or sexual orientation



# Lawfulness of Processing (Article 6)



6(1)(a) – Consent of the data subject

6(1)(b) – Processing is necessary for the performance of a contract with the data subject or to take steps to enter into a contract

6(1)(c) – Processing is necessary for compliance with a legal obligation

6(1)(d) – Processing is necessary to protect the vital interests of a data subject or another person

6(1)(e) – Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller

6(1)(f) – Necessary for the purposes of legitimate interests pursued by the controller or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject.

# Special Category Justification (Article 9)



9(2)(a) – Explicit consent of the data subject, unless reliance on consent is prohibited by EU or Member State law

9(2)(b) – Necessary for carrying out obligations under employment, social security or social protection law, or a collective agreement

9(2)(c) – Necessary to protect the vital interests of a data subject or another individual where the data subject is physically or legally incapable of giving consent

9(2)(d) – Processing carried out by a not-for-profit body with a political, philosophical, religious or trade union aim

9(2)(e) – Processing relates to personal data manifestly made public by the data subject

9(2)(f) – Processing is necessary for the establishment, exercise or defence of legal claims or where courts are acting in their judicial capacity

9(2)(g) – Processing is necessary for reasons of substantial public interest on the basis of Union or Member State law

9(2)(h) – Processing is necessary for the purposes of preventative or occupational medicine, for assessing the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or management of health or social care systems and services  
9(2)(i) – Processing is necessary for reasons of public interest in the area of public health,

9(2)(j) – Processing is necessary for archiving purposes in the public interest, or scientific and historical research purposes or statistical purposes in accordance with Article 89(1)





**Notting Hill  
Genesis**

