



**Intermedia Global**

# GDPR Directive

The key points you need to know...

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## GDPR Overview

On the 25<sup>th</sup> May, 2018, the biggest changes in data protection for 20 years will become legally enforceable, with the EU General Data Protection Regulation (GDPR) coming into effect. The Directive, first proposed in January 2012 by the European Commission was finally approved by the European Parliament in April 2016.

## Implementation



*“Larger organisations (250+ employees) will need a designated Data Protection Officer...”*

Due to the scale of the directive, a two year lead time has been introduced to allow those with ‘large-scale’ prospect and/or customer data operations to restructure and review contracts in order to comply.

Such is the importance of the changes; the Directive recommends that larger organisations (suggested 250+ employees) will need a designated Data Protection Officer. Estimates suggest that an additional 26,000 data protection positions will be created within the EU in the next five years.

## Data Collection

Data collection is a key feature of the GDPR, as it is the start of the journey for the consumer to form part of a database. Permissions must now be obtained with reference to specific industries – ie, telecoms, utilities, etc.

The GDPR ensures that consent must be clearly and ‘unambiguously’ obtained before personal data can be processed. This must be freely given and an informed choice.

The design of such data capture is also set to be changed to ensure that consents are gained in a clear and unambiguous manner, with the consumer fully aware of the purpose of collection. This approach is known as ‘Privacy by Design’ – the format and layout is designed with privacy specifically in mind. The new Information Commissioner, Elizabeth Denham, is known to be heavily supportive of privacy by design.



## Data Profiling

Profiling of data is widespread throughout the direct marketing industry and relies upon assumptions being made about an individuals’ lifestyle and purchasing habits where factual data does not exist - currently, there is no legal definition of ‘profiling’ under the DPA 1998.

This area of the GDPR stands to have the most significant impact on industry, with profiling now restricted to instances where the consumer is likely to benefit from the profiling process. How this will affect data owners and controllers who rely on profiled data to boost volumes within their database will be interesting – this is just one example of the consumer clearly not benefitting from the profiling of their data.

## Enforcing the GDPR

All companies who handle EU residents' personally identifiable information (PII) must comply by the 25<sup>th</sup> May 2018 deadline. Failure to do so will result in heavier fines for data breaches than the current Data Protection Act (1998).

Breached organisations can face fines of up to €20m or 4% of annual global turnover, whichever is highest. It's worth pointing out that the percentage of turnover based fine relates to group turnover, not just specific company turnover, holding the parent company responsible.



**€20m fine**  
Or 4% of company/group's annual turnover, whichever is highest.

## Auditing

Detailed audits will need to be carried out on regularly to ensure the individual has consciously opted-in to communications. These audits will be key to the continual monitoring of every stage of the collection, handling and processing of data. Extra fields will need appending to databases to facilitate and record these audits.

## Right to be Forgotten



An Individual has always had the right to request how details were obtained, however the Subject Access Request is now in the spotlight. Any companies using personal data must be able to confirm in writing, within 30 days, precisely how & when opt-in was gained. It is suggested that procedures for this request are significantly tightened up due to a potential increase in these.

A direct link with the Subject Access Request is the right to be forgotten – an individuals' details must be easily deleted if a request is received. It has yet to be clarified if details can be held in suppression files to ensure an individual is not marketed to off the back of cold, or bought in data.

## Common Misconceptions

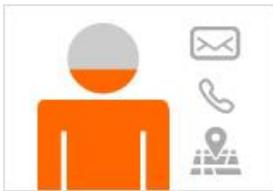


There are a number of misnomers of the Directive – the first that a 'Brexit' in the forthcoming EU Referendum will render it non-qualifying to UK businesses. Irrespective of your business not being in the EU, you will still be expected to comply.

Secondly, it doesn't exclusively apply to the handling and processing of consumer data – business data is also included; if the data contains work telephone number, personal work email address, or any other contact channels that can identify an individual, then it is covered.



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Data Enhancement



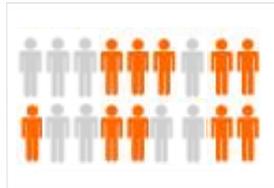
Data Cleaning



Data Processing



Global List Sourcing



Lead Generation



Data Analysis



B2B List Portfolio



Email Validation



B2C List Portfolio

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