



PERSONAL DATA COMPLIANCE CHECK

UNDERSTAND THE REQUIREMENTS FOR PROCESSING OF PERSONAL DATA

ARE YOU READY FOR THE NEW GENERAL DATA PROTECTION REGULATION??

Does your organisation – private or public – meet the requirements of the current Danish Data Protection Act, and are you ready for the amendments arising from the new General Data Protection Regulation?

An increasing number of cases concerning personal data seize the media headlines, and an increasing number of complaints are submitted to the Danish Data Protection Agency. These cases concern security flaws, data breaches, abuse of data and complicated rules for commercial use of personal data.

Most organisations process, store and transfer large volumes of personal data. The data protection rules are complicated, and they will only become more complicated in the future, not least in the light of the General Data Protection Regulation coming into force in 2018 and the rapid digital development.

We offer to make a compliance check of your organisation where we will map your processing of personal data and assess whether you comply with the data protection legislation. We see this as the first step towards being ready for the new regulation.

TIGHTER LEGISLATION

Today, the Data Protection Act is the principal act in Denmark regulating when and how personal data are processed. In 2018, the EU General Data Protection Regulation will replace the current EU directive from 1995 on which the Danish Data Protection Act is based. The regulation will tighten the requirements for processing of personal data and significantly increase the fines for violation of the rules.

WHAT DOES A COMPLIANCE CHECK INCLUDE?

When making a compliance check, we review your organisation's processing of personal data and make recommendations to prevent violations of the legislation.

The use of personal data and the need for a compliance check vary from industry to industry and from company to company. In cooperation with you, we determine the scope and the content of the compliance check based on your needs and wishes and agree on the price for the compliance check.

WHAT ARE PERSONAL DATA?

Personal data are ALL information about an identified or identifiable natural person, e.g. name, address, civil reg. no., telephone number, email address, passport number, photos, video recordings, credit card numbers, IP addresses, test results, criminal records, health information, religious beliefs, memberships of associations, etc. Personal data comprise both confidential and sensitive information, information on other purely private matters and general non-sensitive information.

A compliance check will normally include an assessment of the following, inter alia:

- Does the necessary legal basis for the processing of personal data exist?

- Is consent obtained correctly?
- Is the duty to inform the data subjects observed?
- Are data processing agreements and control of processors in place?
- Are sub-processors handled correctly?
- Are personal data transferred legally to third countries?
- Are you using cloud computing and does it meet the requirements for data processors, transfer to third countries, etc.?
- Are employee data handled correctly?
- Are social media used according to the rules?
- Are notifications and permits sufficient?
- Is there a need for (an update of) policies and procedures?
- Are sector-specific rules, if any, observed?

The result of the compliance check is described in a compliance report containing a survey of compliance with the rules and specific recommendations for solutions. The coming General Data Protection Regulation is taken into account where relevant and agreed.

In addition, we may assist with the implementation of recommendations, e.g. drafting of data processing agreements, notifications, drafting of consent forms and policies, procedures and training.

When finalising the compliance check, we agree how to follow up, e.g. by means of periodical follow-up meetings.

COMPLIANCE CHECK PROCEDURE

The procedure is organised individually depending on the needs and the organisation, but may include the following elements:



Examples of questions in a compliance check:

- Have you restricted the access to personal data to persons who have a specific need for access due to their work?
- Have you obtained consent from your employees to use their photos on your website?
- Do you have control of how your data are stored and processed, including cloud solutions?
- Do you have a policy for deletion and archiving of data?
- Do you have the requisite training in security procedures in connection with processing of personal data?

WHAT IS COMPLIANCE?

Compliance means "compliance with requirements", which may be requirements made by legislation, the outside world or the organisation itself. The requirements are often industry-specific or depend on the country in which the organisation operates. Compliance is to prevent legal action, fines, sanctions from authorities and tainted image. A compliance check will uncover whether the rules are complied with, identify the risk areas and make recommendations to reduce or eliminate the risks of non-compliance with the rules.

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At Horten we are working hard every day to ensure our clients an advantage within their respective areas. It takes courage to make a decision – and to speak out bluntly. But we challenge the things which others take for granted. We ask questions, share knowledge and lead the way – especially in sectors characterised by particularly strict regulation and rapid development. Today, Horten is a leading legal adviser, and we rely on our solid experience to create better possibilities and results for Danish and international companies.