



# WEBINAR

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GDPR after Brexit:  
Do you have your EU representative?



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**Send us your  
questions!**

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# Brexit: What will happen to GDPR and data compliance?



The processing of data coming into the UK from the EU will have to change **after the transition period**.



As the UK will be classified as a 'third country' it will have to **demonstrate adequacy**, demonstrating to the EU that data is processed safely in the UK.



GDPR will be incorporated into existing UK data protection law as **UK GDPR**. UK GDPR will likely be the standard GDPR we've known for 2 years, but written into UK law, meaning you should **be taking steps now to ensure you're compliant**.

The effect of an **adequacy decision** would be that **personal data could be sent from an EEA state to a third country without any further safeguard being necessary**.

# Agenda



Ensuring you're ready for  
January 1, 2021



UK data protection law  
& EU GDPR



EU and UK  
representatives



Your Brexit transition  
GDPR checklist

# What should be expected for January 1, 2021?



**Which laws will change and what do I have to comply as a company with?**

EU GDPR - UK GDPR

- **What happens if & when the UK becomes “a third country”?**
  - The UK will have to demonstrate adequacy, meaning its data protection laws must be at least as robust as those set out by the EU in GDPR
  - UK Investigatory Powers Act 2016 is a barrier to adequacy
  - Data Protection Act of 2018 will be amended to incorporate the UK GDPR into UK law
- **What is the current status of the adequacy decision?**
  - Things seemed to be leaning away from the granting of adequacy, permitting the free flow very specific personal data
  - Especially due to a recent CJEU court ruling that deemed the UK’s mass data collection/surveillance laws may be illegal, putting a sizeable dent in the hopes that the UK would achieve adequacy

*"In the short term, we are probably heading towards some kind of partial adequacy."*

# What is the effect on international data transfers?



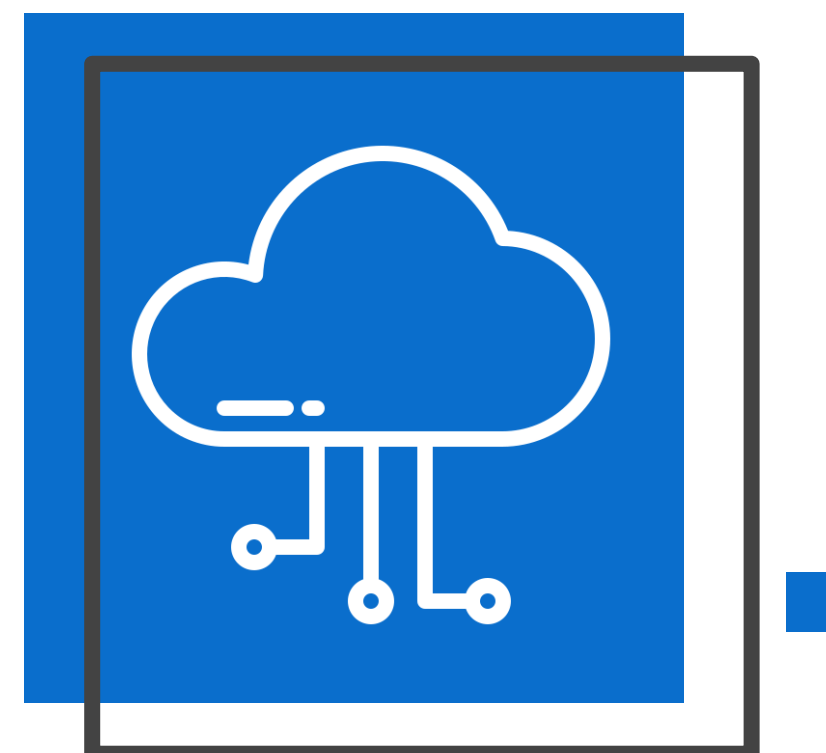
Data transferred from the EU to the UK will have to abide by the local requirements in the senders country. You must also be aware that data could conceivably become 'trapped' in the EU as processor to controller SCCs don't exist.

A UK based SME that **solely treats personal data from the UK** and stores the data in the UK only does not need to worry about changes.

Any business using a **cloud service to store data outside the UK** and/or **have clients in the EU / treat data from EU citizens** will be affected by the changes, and need to act accordingly.

Simple steps that make a big difference such as:

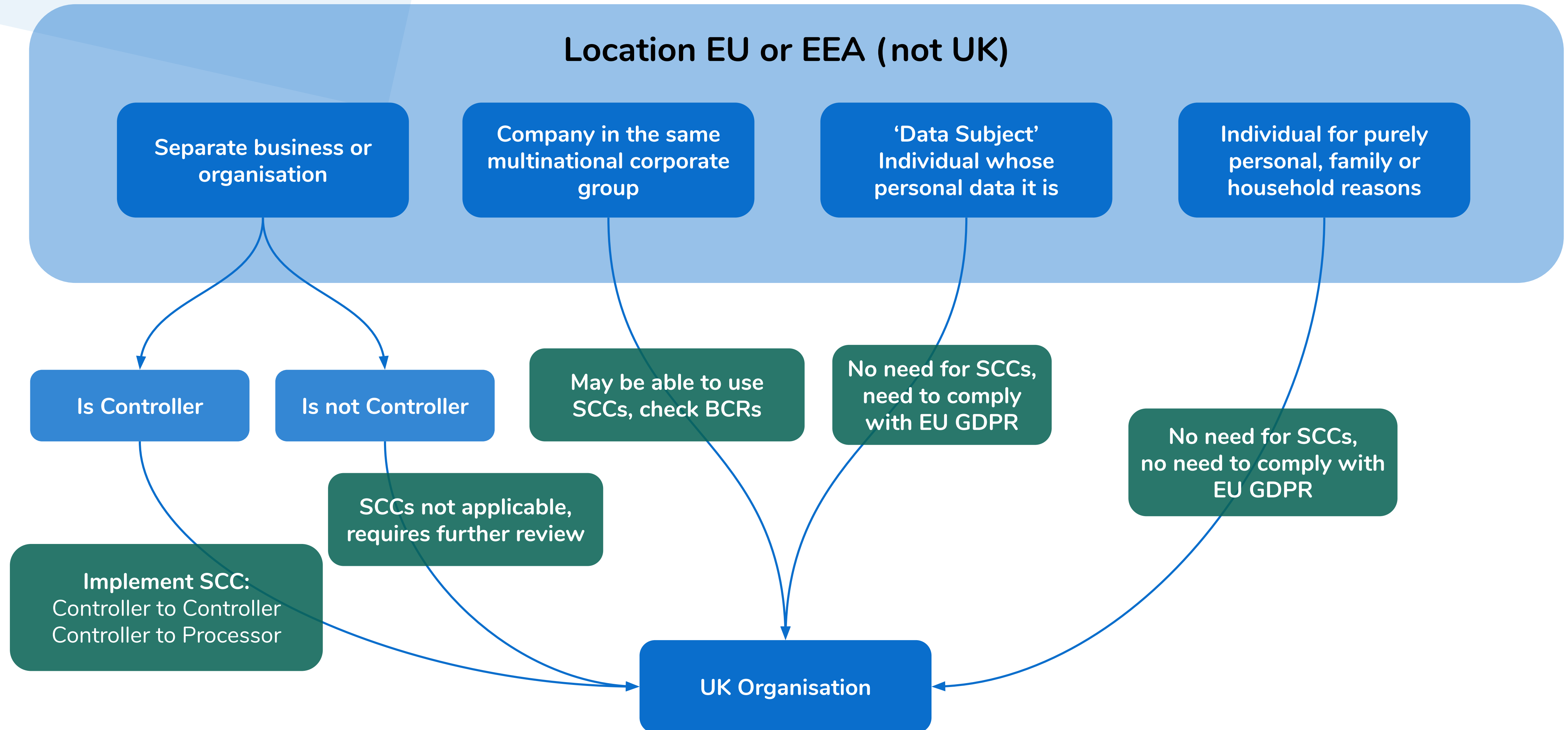
- Enter into standard contractual clauses
- Get an EU Representative



# What is the effect on international data transfers?



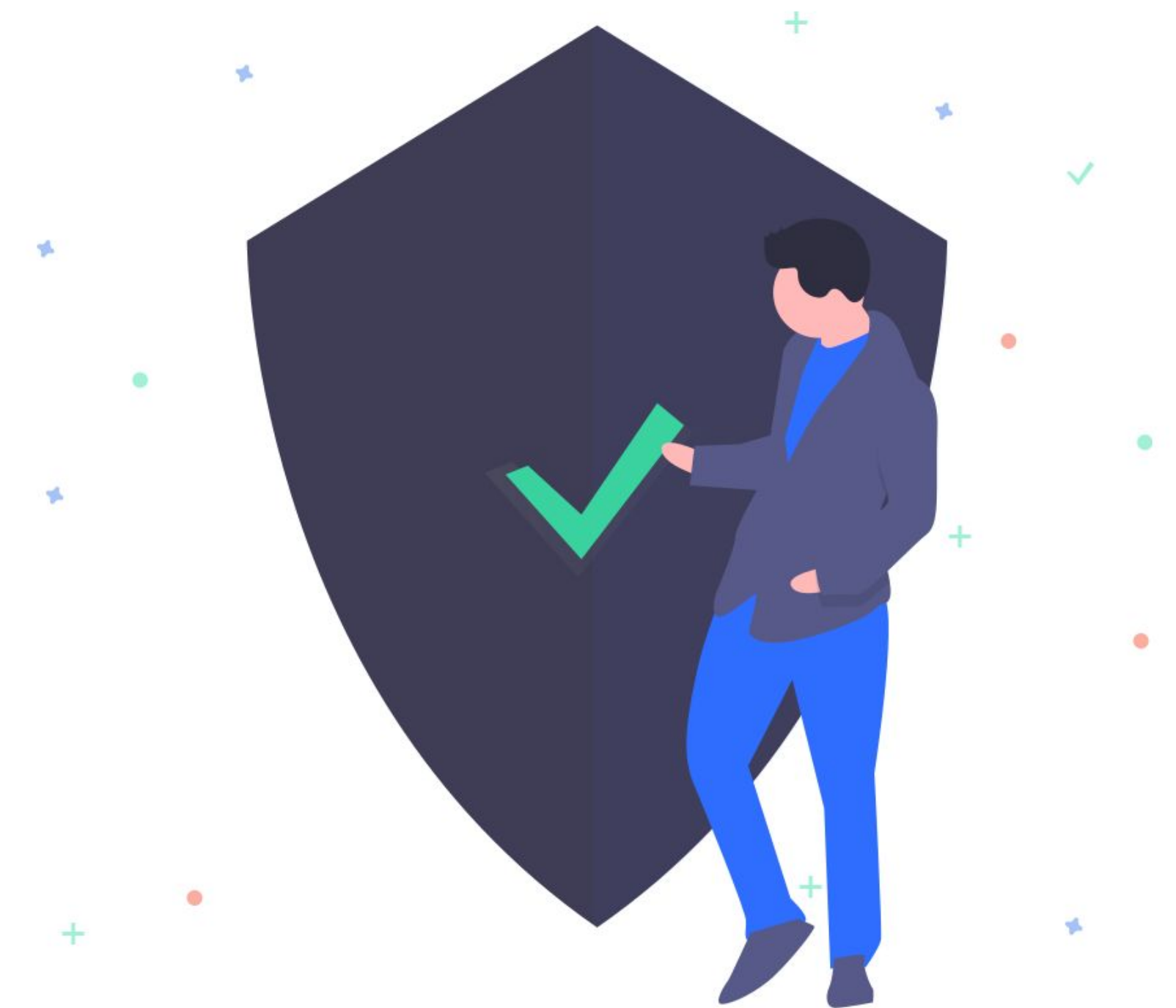
Do I need to use standard contractual clauses for transfers from the EU to the UK?



# Do I need to appoint an EU or UK representative?

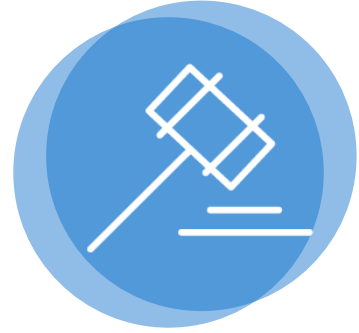
*When do I need to appoint one? What is the representative's role? What does the background of the representative need to be?*

- ✓ **You don't need** to appoint an EU representative during the transition period. **You will** need to appoint one once this transition period finishes (31.12.2020)
- ✓ **Your representative is the legally responsible point of contact** for data subjects and regulatory bodies, responding to requests from all over Europe and has to maintain records of processing activities (RoPA).
- ✓ **Requirements and responsibilities** of the representative:
  - Needs to be **'established' in an EU or EEA** state
  - Need to authorise the representative to **act on your behalf** regarding your EU GDPR compliance, and to deal with any **supervisory authorities or data subjects** enquiries
  - Must be able to **represent you** regarding your obligations under the EU GDPR
  - Details of your representative must be **easily accessible** to EEA-based individuals and data protection authorities (easiest via your privacy policy)





# Penalties & risks



Penalties for GDPR breaches can and do happen, and fines can run into the **hundreds of millions**.

## Who are the regulatory bodies that you have to respond to in case of complaints?

- **In the EU:** EDPB, the European Data Protection Board and individual data protection authorities of EU countries
- **In the UK:** ICO (The Information Commissioner's Office)

Failure to achieve compliance has damaging consequences apart from penalties:

- reputational damages
- limits your capability to work in certain geographical areas
- reduces earning potential

In not being GDPR compliant you're choosing to exclude a huge market of potential customers who have no choice but to go elsewhere because you quite literally aren't allowed to sell to them.

*Failure to achieve compliance has multiple drawbacks, fines are the obvious, but other equally damaging issues arise*

# What should you be doing now to prepare for life after Brexit?



With our checklist you can simply go through the points to consider, when getting your data protection ready for January 2021.

- Data flow mapping
- Understand your data transfers
- If transferring from the EU, what controls do you need to have in place
- Review your EU lead authority
- Assuming not adequate, update your privacy policies to reflect the UK's 3rd country status
- Review the need for an EU and or UK representative
- Conduct DPIAs (Data Protection Impact Assessments) where required
- Update your RoPA (Record of Processing Activities)
- Amend breach notification protocols

# The Pridatect platform makes it easy to identify risks and protect data



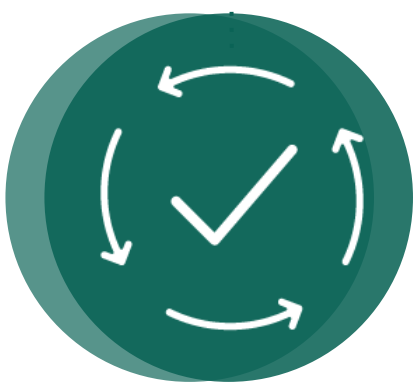
## Identifying risks in time

Recognize and identify risks in the processing of personal data (customers, employees, providers ...). With the Pridatect platform we can identify and analyse threats and weaknesses in your processes.



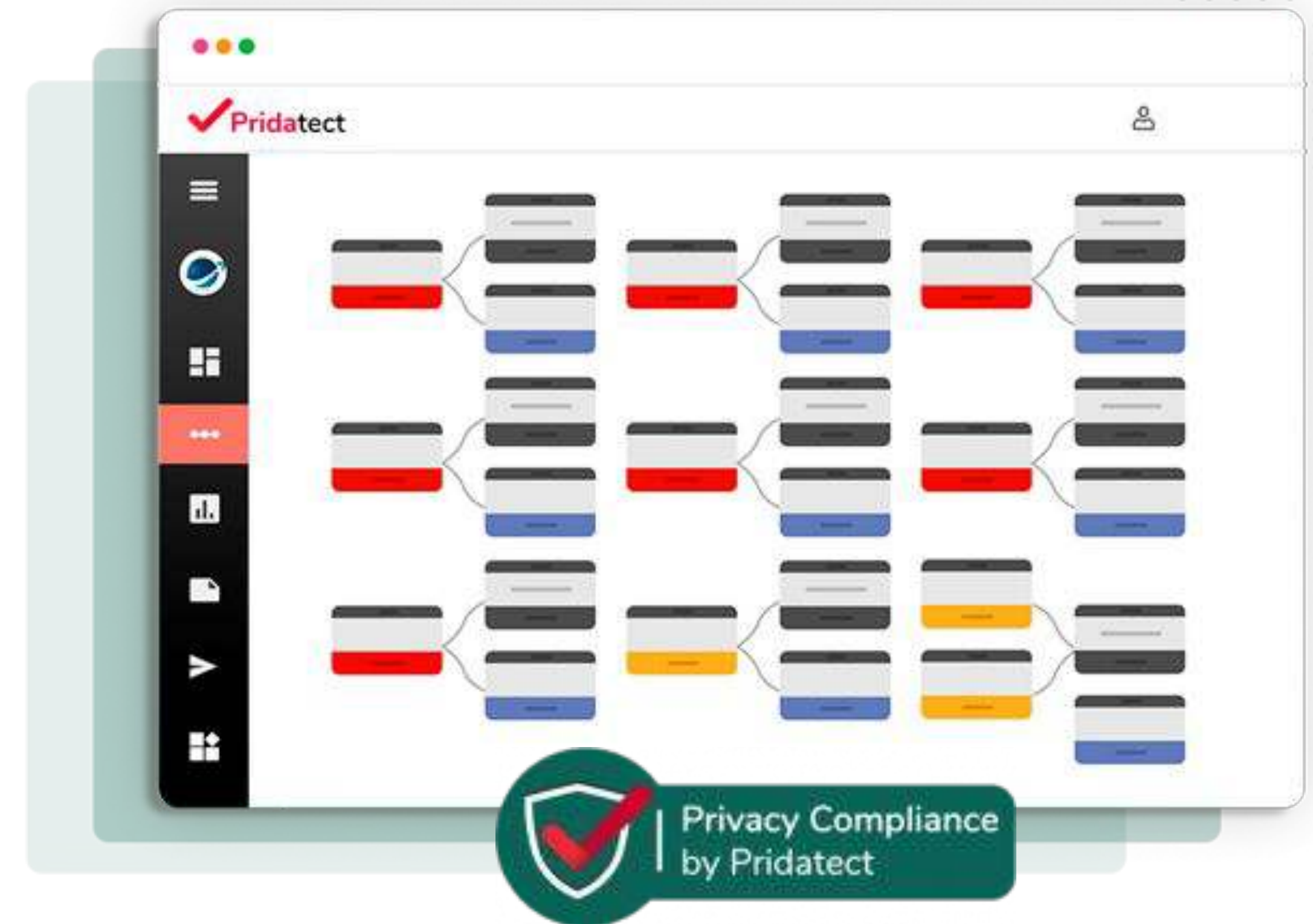
## Define and recommend measures

Once we have identified the risks in your company, we can define the necessary measures to mitigate them. Pridatect proposes necessary data protection measures for your company.



## Monitoring and implementation of data protection

Data protection is an ongoing task within a company. Pridatect helps not only with the initial implementation, but also with ongoing monitoring and task management.



# EU GDPR representative



## Do you work with clients in the EU?

Any non EU companies (which now includes UK companies) treating data from a client in Europe will need to appoint an EU GDPR representative.

## Your Pridatect EU representative provides everything you need for your EU data protection

- Monitoring your **compliance** with EU GDPR
- Company's **representation in all EU Member States**
- Cooperation and communication with **supervisory authorities** and individuals
- Being the company's authorised agent to **receive legal documents**
- Retaining a record of Company's **processing activities**
- **Certificate proving our appointment** as the company's EU Representative
- Pridatect as your **officially appointed EU GDPR representative**



# Everything you need for a successful privacy program

## Trusted technology solution for your data protection

With all the functionalities you need



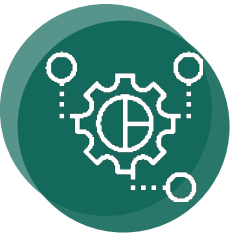
### Risk Assessment

Mitigate data protection risks



### Impact Evaluation (PIA)

Automated privacy impact assessments



### GAP Analysis

Identify gaps in your data protection



### Processing Activities

Keep an updated registry of processing activities



### Data Mapping

Map all of your companies data flows



### TOMs

Define risk reducing technical and organisational measures



### Privacy reports

Generate automated privacy reports



### International transfers

Manage data transfers internationally



### Data breach management

Successful reactive management for data breaches



### Website compliance

Generate privacy policies, cookie policies, terms & conditions



### Subjects access rights

Manage consumer and subject rights requests



### Secure Cloud Userdesk

Collaborate on our secured cloud environment



### External DPO service

Get a virtual DPO for your company



### Vendor contracts

Generate GDPR compliant vendor contracts



### Legal document automation

Create legal documents based on our models

# See how Pridatect can help you with your privacy



**Take control of your companies data protection management** and ensure that your privacy program is ready for the Brexit transition. The Pridatect software and team help you to identify risks and take appropriate measures.

Two overlapping, rounded blue shapes on the left side of the slide, one slightly behind and to the left of the other.

Book Your  
Free Demo

Contact us for a [free demo](#) or alternatively, take advantage of a free [7-day trial](#).



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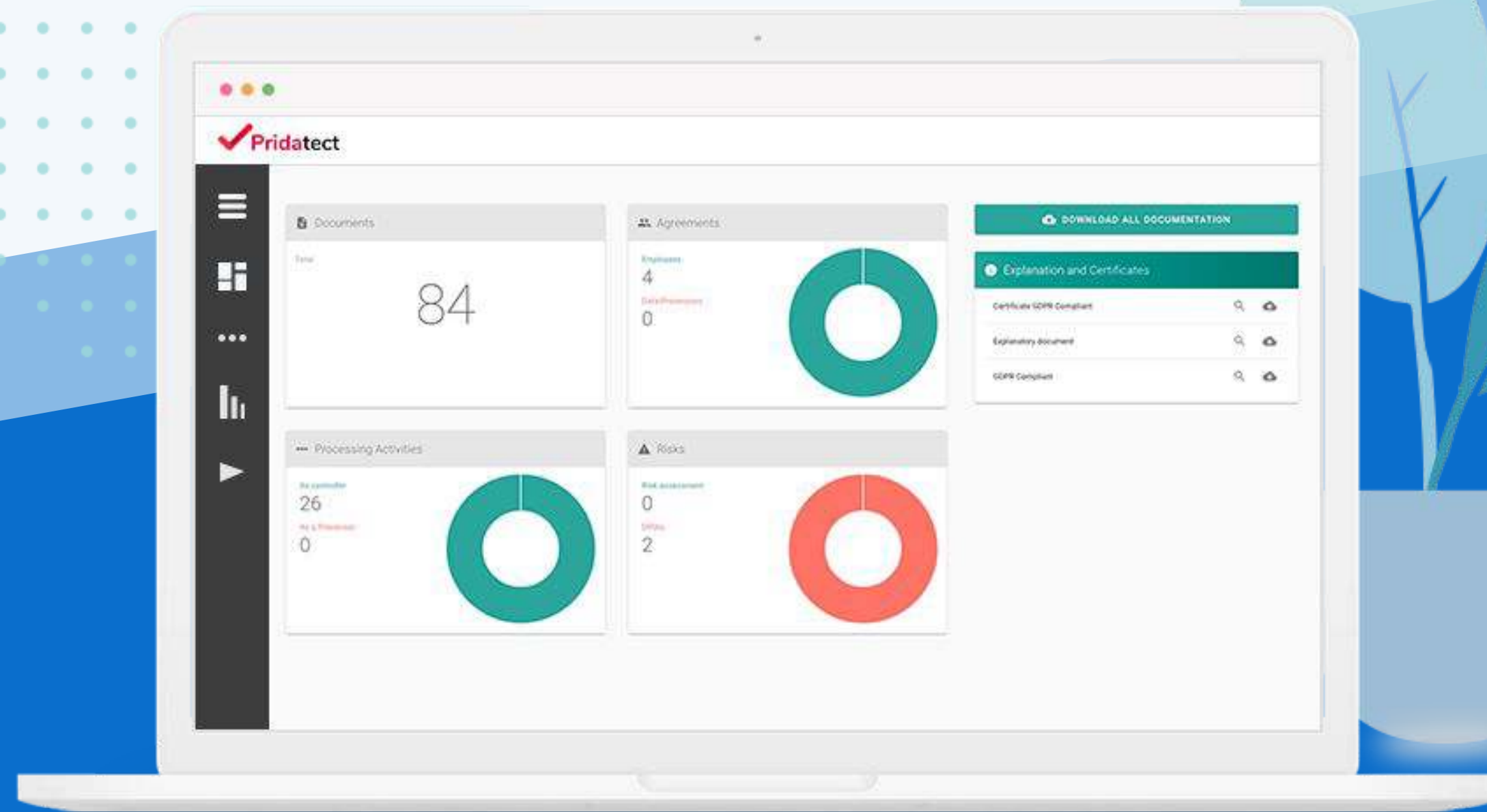
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Thanks for joining our webinar!