

GDPR

WHY YOUR BUSINESS IS IN TROUBLE
WHAT YOU CAN DO TO SAVE IT

*A new EU regulation that could destroy your
business is coming and you've never heard of it.
Want to know more? This is the booklet for you.*



This is not what we voted for

On June the 23rd the British people voted to leave the European Union. We voted to reject unnecessary, cumbersome and expensive EU laws yet our Government is both unwilling and powerless in the face of the GDPR (General Data Protection Regulation). This is another audacious power grab from Brussels which could have serious consequences for your business. The Conservatives are supposed to be the party of business yet are standing idly by. They happily wasted 9 million on a booklet telling you how to vote in the EU referendum, yet haven't explained this dangerous legislation to anybody. The legislation could cost your business thousands, but ignoring it will cost millions. The average cost of compliance for this legislation is estimated at £1,030 a year, already an eye-watering sum of money but the costs could quickly spiral.

Quite simply this legislation could drive thousands of businesses into the ground. The Brussels bureaucrats who have never worked a day of their lives in a real business are now willing to risk your business for their ideological satisfaction.

Don't be fooled by the Tories. This legislation will apply for not only the next year, the length of the transition period and also potentially beyond that.

Regardless how you vote this booklet could save you thousands.

Please this booklet, it contains information vital for your business.



Gerard Batten | EFDD MEP
| UKIP Leader

“The Conservatives happily wasted £9 million on a booklet telling you how to vote in the EU referendum, yet they haven't spent a penny explaining this dangerous legislation to anybody... The legislation could cost your business thousands, but ignoring it will cost millions.”





Cartoonist - Niall O'Loughlin

What is the GDPR?

- The EU's General Data protection regulation is replacing the 1995 Data Protection Directive
- On the 25th of May 2018 the new bill will come into effect in the UK
- GDPR seeks to give people more control over how businesses use their data, and introduces huge penalties for organisations that fail to apply the rules
- It harmonises data protection across the EU
- Because it is an EU regulation it will apply automatically to the UK in May, Brexit or no Brexit
- Personal data should be processed lawfully, transparently, and for a specific purpose. Once that purpose is fulfilled and the data is no longer required, it should be deleted.
- Customers must give active consent to their data being used
- It expands what is counted as personal data
- The government is already working on a new Data Protection Bill that effectively replicates GDPR into UK law

Some parts of the GDPR are necessary for data protection however the EU's response is totally disproportionate.

Nobody has heard of it!



- An FSB (Federation of Small Businesses) study found that over half (52%) were either unaware, or had little understanding, of GDPR and its requirements.

- 18% of small businesses are unaware of the GDPR, 34% are aware but have little understanding. (Big Voice Survey)

- 37% of sole traders and 35% of micro businesses have not started preparations. (Big Voice Survey)

- 70% of large UK businesses feared they will be used to set an example because of Brexit and suffer huge fines (Varonis poll)

These numbers are startling, yet the British Government has made no effort to explain this to anybody!

Why GDPR is bad?



The EU has a long history of turning well-meaning ideas into a bureaucrat nightmare and the GDPR is the worst offender.

- The FSB estimates that full transition compliance will cost UK small businesses £1030. Full compliance for small businesses will cost £5.9 billion.
- Cyber-attacks are a real threat and must be taken seriously but this legislation places the blame (and responsibility) solely at the feet of the victim. If your company suffers an attack and loses people's data you are liable for 20 million euros or 4 percent of your revenue, whichever is higher. The EU is punishing the victim rather than the criminal!
- Could your business afford to lose 4 percent of revenue because your systems were attacked?
- Depending on how much data you process, you may be required to appoint a data protection officer. The average salary for this officer is £47,500 and this seems only set to rise with this legislation.
- Depending on the amount of EU citizens' data that you process, you must appoint a Data Protection Officer.
- Many parts of the GDPR require risk or impact assessments. They used to be good practice or voluntary but now they are mandatory.
- Customers can now request all the information you have gathered on them. You must reply within a month or face fines. You must also provide the information in a readable format and this must be done free of charge for the customer. The requests can include-
 - o Provide copies of the information that you hold on them
 - o Delete the data that you hold on them
 - o That you stop using their information for a set period



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Punishment for non-compliance

- Many previous 'recommendations' have now become legal requirements.
- The Information Commissioner's Office (ICO) will be responsible for the supervision of this legislation in the UK and can conduct criminal investigations and issue fines.

Two types of fines-

- 1) Up to €10 million, or 2% annual global turnover
- 2) Up to €20 million, or 4% annual global turnover

It is the ICO's decision which fine to levy depending on the offence.



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What do YOU need to do?

Here are several pointers so you can get prepared for the GDPR :

- Make sure key people in your organisation are aware of GDPR and how it impacts your business. The later you leave it the more problems you could encounter.
- You should document what data you hold, where it came from and who you've shared it with. Documentation is required for any data processing and doing this can help you prove you are abiding by the GDPR's 'accountability principal'.
- You may need to change how you communicate to people how their data is being used. What you do now may not be enough, you may need to add information regarding retention time, your lawful basis for processing data and also their right to appeal to the ICO. This all needs to be clear and concise or you could face fines.
- There are eight rights that customers now have. The right to be informed, to have access, to rectification, to erasure, to restrict processing, to data portability, to object and to not be subject to automated decision making including profiling. You will need to provide these rights free of charge.
- Customers are now able to request (mostly free of charge) this information and you must respond to them within one month. The ICO recommends developing new systems so that this information can be accessed easily.



“You should prepare for requests of these new rules from customers (mostly free of charge) and that you will have one month to reply. The ICO recommends developing new systems so that this information can be accessed easily.”



“You should prepare for data breaches and how you would respond. The ICO may need to be notified or you could be liable for hefty fines, well worth being prepared.”

- You need to be able to identify your 'lawful' basis for processing customer personal data. Documenting this will again help with the 'accountability principal'.

- Consent must be freely given, specific, informed and unambiguous and there must be a positive opt-in. You may need to return to existing customers and re-request consent.

- The ICO recommends introducing systems to verify ages and if you need to seek consent from a parent or guardian it must also be written in a language that children can understand.

- You should prepare for data breaches and how you would respond. The ICO may need to be notified or you could be liable for hefty fines, well worth being prepared.

- The GDPR makes privacy by design a legal requirement and impact assessments mandatory in certain circumstances. This will assess the viability of the new project in terms of the GDPR and whether you should consult the ICO.

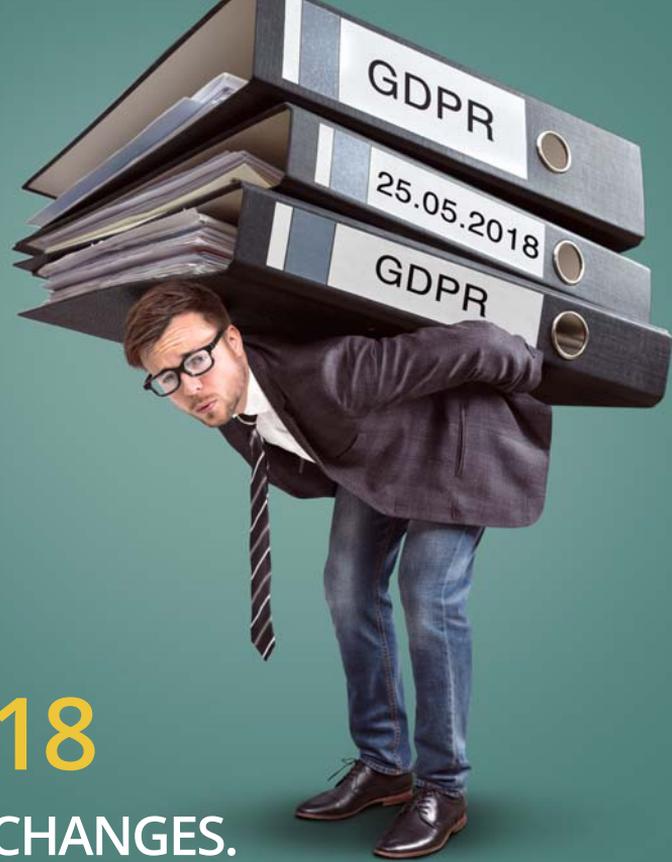
- A data protection officer may be required depending on the scale of your operation. It is your responsibility to ensure the GDPR is enforced and this may require extra staff.

- If you operate internationally then you must establish a lead authority which is where central decisions are taken.

(Please check the ICO website for further advice on how to deal with the GDPR. This is a beginner's guide, not to be taken as legal advice.)

These tips are intended for general information.
For legal certainty consult a lawyer.





YOU HAVE TILL 25th May 2018 TO IMPLEMENT THESE CHANGES.



BEFORE WORKING IN POLITICS I had a real job working with all sorts of businesses. The Brussels bureaucrats simply don't understand the damage that this legislation will bring not only to small businesses but larger ones as well. When times are hard the last thing you need is big government telling you what you can and can't do.

UKIP MEPs in the EFDD Group fought GDPR every step of the way in the European Parliament but unfortunately we were not successful.

I hope this booklet goes some way to opening your eyes to the changes that are coming and helps you effectively prepare.

This booklet is for information only and is not legal advice. For legal certainty consult a lawyer.



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Leaflet produced by Europe of Freedom and Direct Democracy Group, European Parliament, 60 Rue Wiertz, Brussels. Belgium. 1047

