

Data Protection Audit

The EU has now agreed the final text of the new General Data Protection Regulation ('GDPR'). Although the new law will not have effect until summer 2018, businesses will need to consider now how the new law will affect them and prepare themselves for it coming into force.

What? Why? and How? Data Processing Audit from Lewis Silkin LLP

The GDPR places greater emphasis on the documentation that data controllers must keep to demonstrate compliance. Businesses are going to need to be far clearer and more transparent about what data they process and how, as well as their legal basis for processing. The rules around all of this are changing and the consequences for getting it wrong are going to be far greater.

In particular, the Regulation includes radically increased penalties of up to 4% of annual worldwide turnover or €20,000,000, whichever is greater, for the most serious offences and a pan-European approach to enforcement means that organisations are not necessarily going to be able to rely on a relatively pro-business regulator in the ICO.

For most businesses, the first step in getting to grips with the above will be a data protection audit so that you can understand the What? Why? and How? of your current data processing practices and where you might need to improve to comply with the GDPR (e.g. What personal data do you process? How do you process it? Why do you process it? What you tell data subjects? What policies/documentation do you already have in place?).

Lewis Silkin has developed an audit service to assist you in getting up to speed quickly and efficiently.

What is a data protection audit?

A data protection audit is a means of assessing whether an organisation is complying with their data protection obligations, identifying data protection risks and putting forward recommendations for best practice.

Lewis Silkin has developed a new fixed cost service to support you in conducting such an audit internally, or we could conduct the entire audit for you, according to your resources. We have developed a detailed questionnaire enabling you, or our team, to conduct interviews with key custodians. We then analyse the results and make recommendations to enable you to address areas of priority.

What sort of things will the audit look at?

The data protection audit is designed to analyse your organisation's data protection compliance and make recommendations. The audit will be specifically tailored to your organisation's particular requirements, but will usually involve looking at the following:

Whether there are relevant and appropriate data protection policies and procedures in place and what changes will be required:

- ▶ What categories of data are processed by the organisation and the legal basis for processing;
- ▶ Whether privacy impact assessments will be needed for specific 'high risk' areas;
- ▶ What Privacy Notices are in place and what amendments will be necessary in order to comply with the new information requirements;
- ▶ Comprehension of data protection responsibility, knowledge and training;
- ▶ How the organisation would deal with data subjects' rights in relation to access, rectification and erasure;
- ▶ Practices surrounding data accuracy and retention;
- ▶ Security of personal data - assessing whether the organisation has appropriate technical and organisational measures in place to ensure adequate security;
- ▶ The legal basis for cross border data transfers, if applicable;
- ▶ Data sharing with third parties.

We can then help you assess where improvements need to be made or gaps need to be filled in order to be compliant with the GDPR.

How much does it cost?

The audit is conducted on a fixed fee basis which we will agree with you in advance. The fee will depend on variable factors such as whether we are required to conduct interviews, the number of operational sites and size of your organisation and the complexity of the processing activities. We are happy to provide a fixed fee quote on request with no obligation to instruct us.

How can I find out more?

For more information or an informal discussion please contact Emma Richardson, Denise Collins or your usual Lewis Silkin contact.



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