

Training of Lawyers on the EU Data Protection Reform (TRADATA)

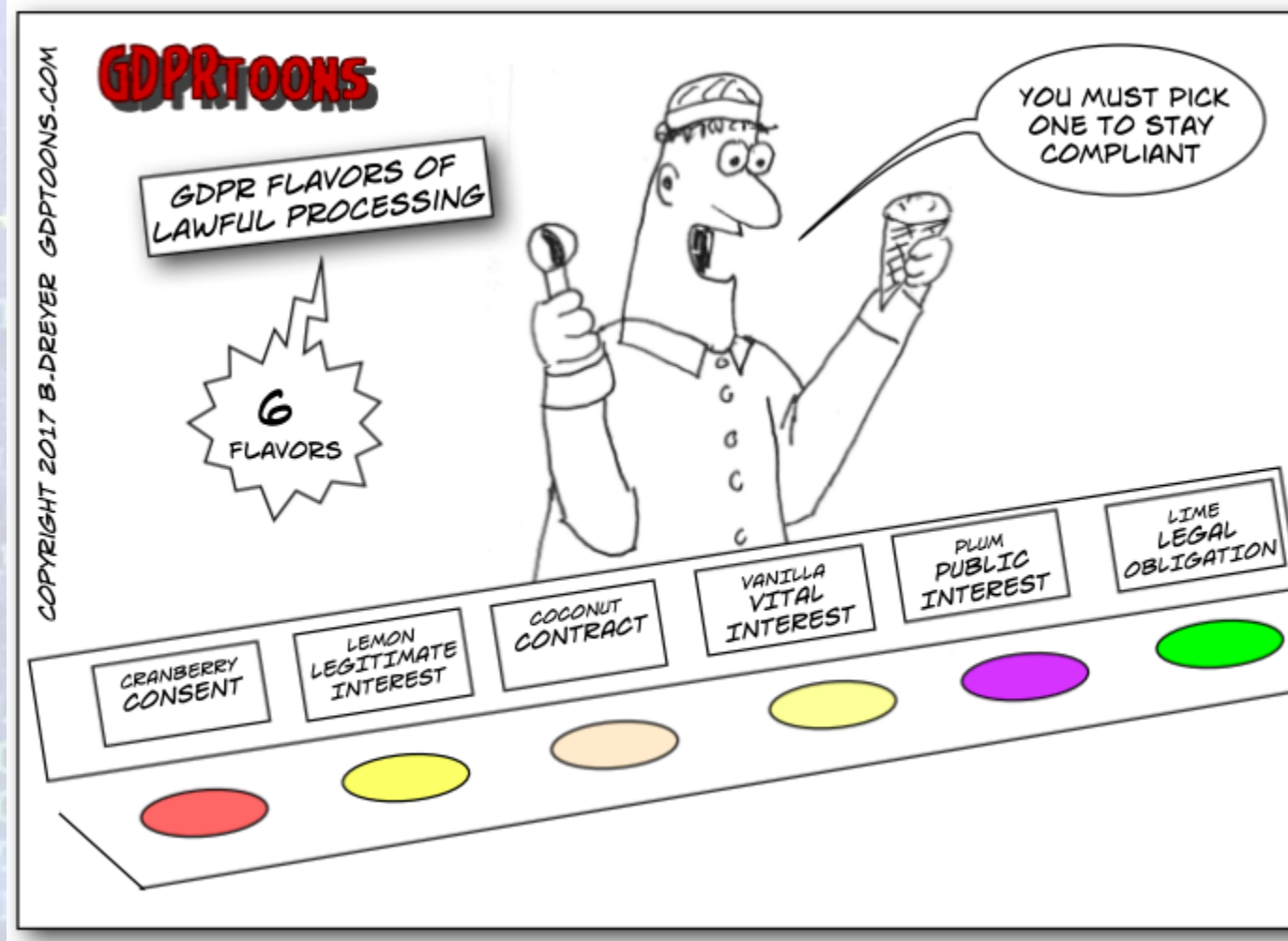


The project is co-financed with the support of the European Union's Rights, Equality and Citizenship programme



Welcome & Introduction

Fiona Donnelly - EU Co-ordinator





**Welcome from TRADATA project
leaders European Lawyers
Foundation**

Vasileios Stathopoulos



Key Principles of European Data Protection Reform:



Key Principles of European Data Protection Reform: GDPR

Clare Bates

April 2018

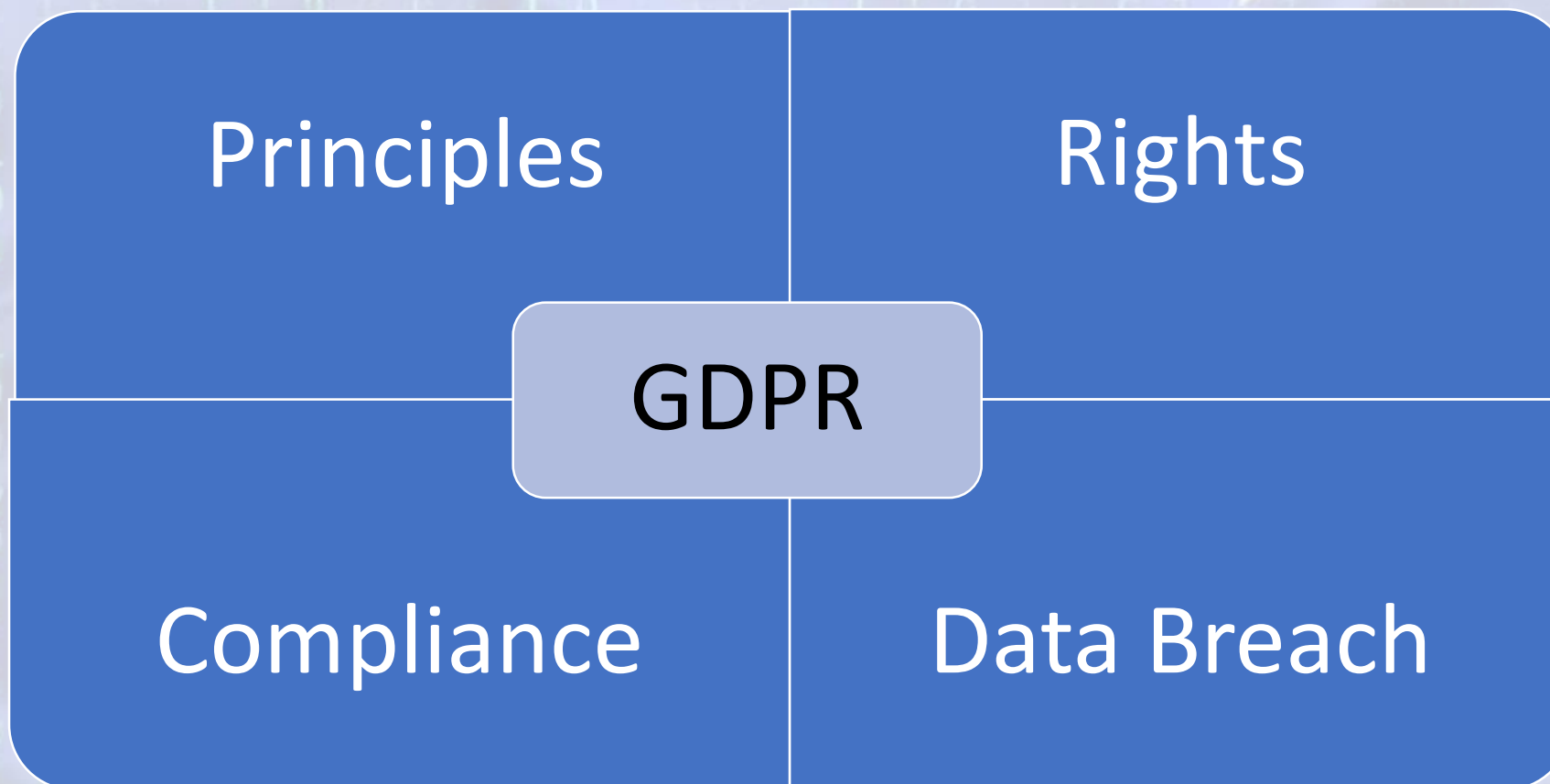
Clare Bates

April 2018



A New Privacy Framework

 #TRADATA





What is personal data?



#TRADATA

Any information relating to an identified or identifiable natural person.

- **Identifiers-** name, identification number, location data, IP address
- **Examples-** staff, clients, sole traders, individual contacts in commercial clients

Special categories of personal data:

- Health, religion, race, sexuality, trade unions
- Genetic and biometric



Lawful Grounds for Processing



Processing must be necessary:

CONSENT

CONTRACT



LEGAL OBLIGATION

VITAL INTERESTS



PUBLIC INTEREST

LEGITIMATE INTEREST



Consent



- **DP Directive definition:**

- *“any freely given specific and informed indication of his wishes by which the data subject signifies his agreement to personal data relating to him being processed”*

- **GDPR definition:**

- *“any freely given, specific, informed and **unambiguous** indication of the data subject's wishes by which he or she, **by a statement or by a clear affirmative action**, signifies agreement to the processing of personal data relating to*



Consent

Key changes in practice:

Must be:	Must not be:
Freely given	Forced, with no choice
Granular	Vague
Informed	Misleading
Easy to withdraw	Impossible to get out of!
Clear Affirmative Act	Pre ticked boxes



Children

- ✓ Children's data merits particular protection
- ✓ Age-appropriate privacy notices required
- ✓ Specific consent requirements for online services offered
- ✓ Specific protection for marketing and automated decision making



Legitimate Interests

Article 6 (1) (f)

1. **Purpose Test:** are you pursuing a legitimate interest?
2. **Necessity Test:** is the processing necessary?
3. **Balancing Test:** do the individual's interests override the legitimate interest?

Must satisfy all 3 parts of the test



Legitimate Interests

Which purposes constitute a legitimate interest?



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Fraud prevention

Network and information
security

Possible criminal acts or
threats to public security



Legitimate Interests

Processing activities where the legitimate interests basis is likely to apply:

Processing
employee
or client
data

Marketing

Intra-
groups
admin



Data Protection Principles



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New Rights for Data Subjects



The GDPR creates some new rights for individuals and strengthens rights that already exist:

Informed

Access

Erasure

Rectification

Restrict

Object

Automated

Portability



Accountability

Article 30:

- Records of processing
- Exemptions

Note: Data Protection Bill: Criminal Offence Data

Privacy Notices:

- Lawful basis for processing
- If applicable legitimate interests
- Rights of the individual

Consent:

- How and when it was obtained



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Accountability

Controller-processor contracts:

- Written contract

Data Protection Impact Assessments:

- High risk to the rights and freedoms of individuals
- New technologies

Personal data breaches:

- Document personal data breaches
- Link to record of processing (flag concerns or patterns)



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Policies

Privacy Policy

Data
Protection
Policy

Data
Retention

Information
Security Policy

Breach
Management
Plan



Data Breach

Breach of Security:

- Destruction, loss, alteration
- Unauthorised disclosure of or access to personal data

Notification:

- Likely to result in a risk to individual's rights and freedoms
- Have a detrimental effect on those individuals



Data Breach

 #TRADATA





COFFEE BREAK



WORKSHOP A

**Children and Sensitive
Data: Consent Issues - Eoin
O'Dell
MALONE SUITE**

WORKSHOP B

**Privacy Notices – How
to draft for clients and
for staff – Clare Bates
COTTONWOOD ROOM**

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LUNCH BREAK
1:00PM – 2:00PM



@Lawsocni_gdpr

PANEL DISCUSSION

- **The Data subject's Rights**
- **Document Management**
- **Web Management**
- **Cyber Security**

Peter O'Brien (Chair)

Briony Rimmer

Colin Graham

Steven Goldblatt



#TRADATA

ALB & The GDPR

Friday 20th April 2018



A top-down view of a wooden desk. On the left is a silver laptop. In the center is a spiral-bound notebook with the text 'PREPARATION IS THE KEY' written in black marker. A yellow pencil lies on the notebook. To the right is a glass filled with several colored pencils. In the bottom left is a pair of black-rimmed glasses. In the bottom right is a tablet with a black screen. At the top center is a white coffee cup on a saucer. At the top right is a small white planter with a green leafy plant.

PREPARATION
IS THE KEY



- >> Know what data you have, and why you have it**
- >> Manage data in a structured way**
- >> Design a security aware culture**
- >> Be prepared – expect the best but prepare for the worst**

What data do I have?



Personally Identifiable Data

Client & Contact Records

- >> Name – Forename/Surname
- >> Birth Name (If different)
- >> Previous Name
- >> Date of Birth
- >> PPS / NI Number
- >> Address
- >> Telephone – Home, Work, Fax
- >> Email – Work/Home



Documents & Information stored in ALB for the purposes of Anti-Money Laundering could hold PII information.

E.g. Scanned images off Passport, Driving Licence etc

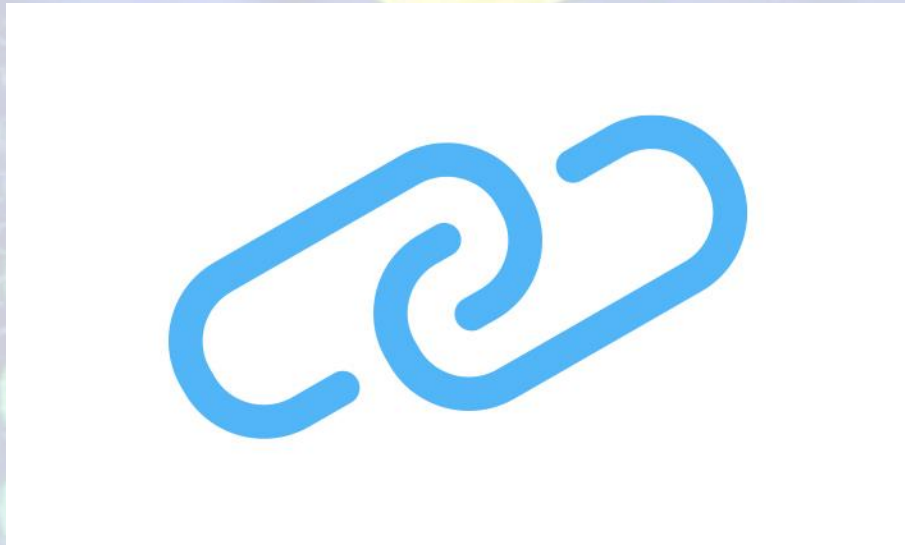
Firms might want to consider removing these (if appropriate) during the closure of a matter.

Manage your data



Manage your data in ALB

- Link your clients and contacts with matters
- Lock down sensitive client and matter information to certain individuals to minimise processing
- Delete contacts that you no longer have a legitimate interest in keeping



Manage your data in ALB

ALB has extensive search facilities. By linking clients and contacts to matters have confidence you can find information in the event of receiving a Subject Access Request.



It is likely due to “Legitimate Interest” reasons all data would need to be reviewed and redacted before issued. We understand that for lawyers, it is more usual for a client to ask for a (paper or electronic) file including data and documents to be passed to a newly appointed lawyer, rather than machine readable data.

ALB links with PDF Docs to make the bundling of information and redaction less time consuming.

Manage your data in ALB

Matters in ALB have a comprehensive document history facility.

Store all digital media including: correspondence, emails and pictures in one place.



By using ALB's integration with Outlook, auto-file emails directly into the document history so you don't miss anything important.


Marketing to your clients

ALB allows you to record when and how consent to market to a client was obtained.



Marketing to existing clients: if you can show that consent has been given for the purpose for which you want to market to them, you won't need to go back and gain consent.

Otherwise you will have to obtain consent. It's also worth noting that the consent must be express and not by objecting, for example, a file closure letter stating that you'll hold their data unless there are any objections is insufficient.



Archiving

Archiving in ALB

- You choose how long you want to retain files – set retention dates by work type E.G Criminal = 6 Years
- Ensure files you need to keep indefinitely by marking the work type as “Never Destroy”
- Mark a file as “never destroy” at any point during the life of the matter or at closure
- Extensive checks to ensure files aren’t archived in error

Matter Details

Matter **S00001-0001**
Description **test**

Archiving Information

File Away Ref [Suggest Next File No](#) Location No storagelocation selected *
Close Date
Destroy Date Never Destroy

Box Number

Archive Checklist

⚠ This Matter has outstanding balances and cannot be added. Use the links below to resolve the issues in order to proceed.

❌ Office Balance :	5833.33	Show	✅ Unposted Cheque Requests :	0.00	
✅ Client Balance :	0.00		❌ Existing WIP Items :	1	Show Write off
✅ Deposit Balance :	0.00		❌ Existing WIP Charge Value :	35.00	Show
❌ Unbilled Disbs :	5833.33	Show	✅ Foreign Currency :	0.00	
✅ Unpaid Disbs :	0.00		❌ Undischarged Undertakings :	1	Show
❌ P/L Invoices Unpaid :	7000.00	Show	❌ Uncompleted Tasks :	2	Show
✅ C/L Invoices Unpaid :	0.00		❌ Unreconciled Items :	2	Show
✅ Unpresented Cheques :	0.00				
✅ Anticipated Disbs :	0.00				
✅ Anticipated Bills :	0.00				
✅ PF Claims :	0.00				

Delete Matters



After archiving, once the time limit for retention has expired, ALB allows you to “delete matters”.

- Removes any ALB additional modules, document history and descriptive text in accounts transactions
- Retains footprint of data, Client & Contacts for the purposes of a Conflict Check



*It's easy to have information stored in numerous places:
Desktop files, email inbox etc*

By storing all electronic correspondence, emails and documents on the ALB document history, have confidence that you're not keeping data you do not have in interest in retaining.

Stay on top of house-keeping

- **Data Clean-up Tool**
 - Find duplicate entities in your system and merge for one version of the truth
- **Report on Clients and Contacts who are only linked with deleted matters**

Do you need to keep them?



The background features a light blue gradient with a pattern of binary code (0s and 1s) in a light green color. Scattered across the background are several yellow, five-pointed stars of varying sizes and orientations.

Web Bureau Web Management Questions

Prepared by Colin Graham

20th March 2018

GDPR compliance for your website...

Who Are We?

- We are Web Bureau...We design and build awesome websites and apps for a variety of devices. We deliver ecommerce platforms built for growth. We revel in helping customers through their digital journey; implementing digital marketing strategies that deliver results.
- We pride ourselves in removing the mystery involved in succeeding online and ensure our clients understand every step of the process. We excel in digital design, ecommerce, development and marketing; offering our clients a 360-degree solution that enables them to maximise their online presence and employ strategic tactics to grow their business.

GDPR compliance for your website...

Synopsis

- The following is a run through on some of the most common questions we have been asked by our clients

Disclaimer

- While WB cannot obviously give legal advice on GDPR – we can help with suggestions regarding gearing up for compliance based on best industry practices & our own research.

GDPR compliance for your website...

Cookie Policy

- Implied consent is no longer sufficient – therefore explicit on screen settings are required to achieve this.
- ‘By using this site, you accept cookies’ messages are also not sufficient for the same reasons.
- It must be as easy to withdraw consent as it is to give it.
- Sites will need to provide an opt-out option.

Cookies on the BBC website

The BBC has updated its cookie policy. We use cookies to ensure that we give you the best experience on our website. This includes cookies from third party social media websites if you visit a page which contains embedded content from social media. Such third party cookies may track your use of the BBC website. If you continue without changing your settings, we'll assume that you are happy to receive all cookies on the BBC website. However, you can change your cookie settings at any time.

✓ **Continue**

⚙️ **Change settings**

❓ **Find out more**

GDPR compliance for your website...

Privacy Policy

- Concise, transparent, intelligible and easily accessible
- Written in clear and plain language, particularly if addressed to a child
- Free of charge.

Here at [organisation name] we take your privacy seriously and will only use your personal information to administer your account and to provide the products and services you have requested from us.

However, from time to time we would like to contact you with details of other [specify products]/ [offers]/[services]/[competitions] we provide. If you consent to us contacting you for this purpose please tick to say how you would like us to contact you:

Post **Email** **Telephone**

Text message **Automated call**

We would also like to pass your details onto other [name of company/companies who you will pass information to]/[well defined category of companies], so that they can contact you by post with details of [specify products]/ [offers]/[services]/[competitions] that they provide. If you consent to us passing on your details for that purpose please tick to confirm:

I agree

GDPR compliance for your website...

Privacy Policy – Some Key points to ensure are covered.

- **What information is being collected?**
- **Who is collecting it?**
- **How is it collected?**
- **Why is it being collected?**
- **How will it be used?**
- **Who will it be shared with?**
- **What will be the effect of this on the individuals concerned?**
- **Is the intended use likely to cause individuals to object or complain?**

GDPR

Contact Form

- The person submitting the form must ‘opt-in’ explicitly by ticking the box for marketing.
- The box cannot be bundled and must display an opt in on the specific intended purpose of the email – *“Bundled” is using a single box to obtain consent for many uses of the data - this can hinder clarity of the purpose.*
- Most information from contact forms on websites are either stored on the server or sent through to email. If its stored on the server it can only be stored for a minimum retention period. The rule of thumb is don’t store data unless you have to.
- Ensure all data in transmission is encrypted by a secure certificate – The browser will show a padlock on sites where this is enforced.
- Pre-populated opt-in is not permitted and never has been permitted – however, all clients generally have asked for this to be setup this way.

Example Form

Fields marked with an * are required

Name

Email

This form collects your name and email so that we can add you to our newsletter list for awesome project updates. Check out our [privacy policy](#) for the full story on how we protect and manage your submitted data!

I consent to having ACME Inc collect my name and email! *

Submit

GDPR

Email Marketing

- If you do not have explicit recorded consent or the necessary 'due cause' then its recommended that the list is deleted.
- If you don't have consent then you cant email asking for it – that is spamming.
- Otherwise delete and start again
- It must be just as easy to remove consent as it was to grant it, and individuals always need to know they have the right to withdraw their consent.
- In terms of your web user experience, this means unsubscribing could consist of selectively withdrawing consent to specific streams of communication. "See Example"

▶ My topics of interest

- | | | | |
|---|-------------------------------------|---------------------------------------|-------------------------------------|
| Accounting and financial reporting | <input type="checkbox"/> | Managing personal wealth | <input type="checkbox"/> |
| Business growth | <input type="checkbox"/> | Measuring business value | <input type="checkbox"/> |
| Buying distressed assets | <input type="checkbox"/> | Operating internationally | <input type="checkbox"/> |
| Cyber security | <input checked="" type="checkbox"/> | Raising and securing finance | <input type="checkbox"/> |
| Dealing with uncertainty | <input checked="" type="checkbox"/> | Reducing or managing risk | <input checked="" type="checkbox"/> |
| Delivering change | <input type="checkbox"/> | Restructuring a business | <input type="checkbox"/> |
| Doing business offshore | <input type="checkbox"/> | Succession planning | <input type="checkbox"/> |
| Financial planning, analytics and forecasting | <input type="checkbox"/> | Supporting my clients | <input type="checkbox"/> |
| Fraud prevention and investigation | <input type="checkbox"/> | Tax compliance and planning | <input type="checkbox"/> |
| Governance and assurance | <input type="checkbox"/> | Technology and IT innovation | <input type="checkbox"/> |
| Increasing operational effectiveness and productivity | <input type="checkbox"/> | The middle market and economic trends | <input type="checkbox"/> |
| Legal matters | <input type="checkbox"/> | Workforce and talent management | <input type="checkbox"/> |



Thanks for your time

For more information, talk to us on
07793017704 or colin@thewebbureau.com

GDPR Compliance and your IT



Leaf

computers
& clouds™

Steven Goldblatt

CEO

Leaf



**General
Data
Protection
Regulation**



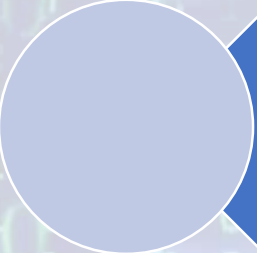
Stage 1: Audit your IT situation



Audit your data



Audit your service partners



Audit all authorised and unauthorised devices with access to personal data

Stage 2: Control Access to Company Data

Ensure administrative privilege control

Ensure tiered access to personal data

Ensure remote access and erasure rights
for company data

Stage 3: Implement robust security to detect and respond to breaches

Implement regular scan and security software update policy

Conduct employee training in cyber security

Consider a Security as a Service packaged solution

Security as a Service to assist in achieving GDPR compliance

Internet Gateway Protection

Email Security

Patch Management

Ransomware Protection

Training

Data Leakage Prevention

Encryption

Multi-factor Authentication

Mobile Device Management

Consider...

- How many of your staff have completed cyber security training?
- Can you tackle ransomware?
- What is your social media policy?
- Have your staff access to personal emails at work?





WORKSHOP A

**Children and Sensitive
Data: Consent Issues - Eoin
O'Dell
MALONE SUITE**

WORKSHOP B

**Privacy Notices – How
to draft for clients and
for staff – Clare Bates
COTTONWOOD ROOM**

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Trinity College Dublin
Coláiste na Tríonóide, Baile Átha Cliath
The University of Dublin

GDPR & Family Law in Northern Ireland

Eoin O'Dell
Trinity College Dublin

Training of Lawyers on
the European Data
Protection Reform

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Timeline

Training of Lawyers on
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1981

1988

1995

1998

2003

2016

2018

Conv
108

DPA

DPD
95/46

DPA

DP(A)A

GDPR
2016/679

Various

**So, just what is the
GDPR anyway?**

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**And why are they
saying such
terrible things
about it?**

General Data Protection Regulation

Regulation 2016/679

99 Articles

173 Recitals

21 footnotes

88 pages

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Protection Reform

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27 April 2016

Adopted

04 May 2016

Published
in OJ

24 May 2016

In force

25 May 2018

Applicable



2018 reform of EU data protection rules

Stronger rules on data protection mean people have more control over their personal data and businesses benefit from a level playing field.

PAGE CONTENTS

About the regulation and data protection

Background

Library

Related links



Rules for business and organisations

Application of the GDPR obligations, individuals' requests, enforcement



Rights for citizens

Protection of your personal data, your rights and redress

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JUSTICE AND CONSUMERS

European Commission > Justice and Consumers > Newsroom > Article 29 Working Party



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ARTICLE29 NEWSROOM



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Article 29 Working Party

Guidelines

Letters, other documents

Opinions

Plenary meetings

Press releases

Public consultations

Contract archive

Newsroom archive

Article 29 Working Party



09-04-2018

An overview of the National Data Protection Authorities

[Data protection](#)

[More](#)

27-03-2018

NEW LINK to the Article 29 Working Party archives from 1997 to November 2016

[Data protection](#)

[More](#)

12-12-2017

About Article 29 Working Party

[Data protection](#)

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Training of Lawyers on the European Data Protection Reform

12 Steps

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Data protection

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Preparing for the General Data Protection Regulation (GDPR)

12 steps to take now

12 Steps

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GDPR

Coming May 25th 2018

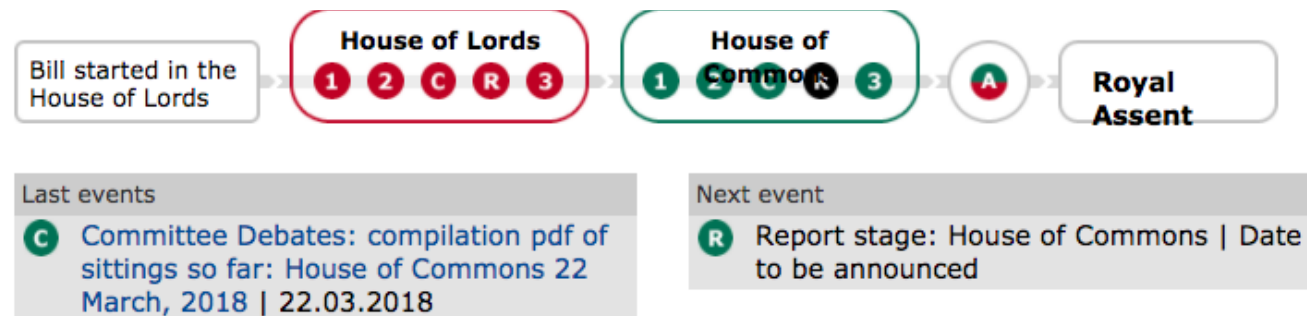
2018



Application of the GDPR

22 Application of the GDPR to processing to which this Chapter applies

- (1) The GDPR applies to the processing of personal data to which this Chapter applies but as if its Articles were part of an Act extending to England and Wales, Scotland and Northern Ireland.



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Mentions of
“Northern Ireland”
in the Data
Protection Bill [HL]



157

Data Protection Bill [HL]

Schedule 18 – Minor and consequential amendments Part 1 – Amendments of primary legislation (usually to substitute GDPR for DPA or similar)

Pharmacy (Northern Ireland) Order 1976 (S.I. 1976/1213 (N.I. 22))
Industrial Relations (Northern Ireland) Order 1992 (S.I. 1992/807 (N.I. 5))
Health and Personal Social Services Act (Northern Ireland) 2001 (c. 3 (N.I.))
Justice (Northern Ireland) Act 2002 (c. 26)
Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1 (N.I.))
Safeguarding Board Act (Northern Ireland) 2011 (c. 7 (N.I.))
Marine Act (Northern Ireland) 2013 (c. 10 (N.I.))
Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act
(Northern Ireland) 2015 (c. 2 (N.I.))
Justice Act (Northern Ireland) 2015 (c. 9 (N.I.))
Public Services Ombudsman Act (Northern Ireland) 2016 (c. 4 (N.I.))
Mental Capacity Act (Northern Ireland) 2016 (c. 18 (N.I.))
Justice Act (Northern Ireland) 2016 (c. 21 (N.I.))

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Data Protection Bill [HL]

Schedule 18 – Minor and consequential amendments
Part 1 – Amendments of primary legislation
(usually to substitute GDPR for DPA or similar)

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Health and Social Care (Control of Data Processing) Act (Northern Ireland) 2016 (c. 12 (N.I.))

Access to Health Records (Northern Ireland) Order 1993 (S.I. 1993/1250 (N.I. 4))

Data Protection Bill [HL]

Schedule 18 – Minor and consequential amendments Part 2 – Amendments of other legislation

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European Parliamentary Elections (Northern Ireland) Regulations 2004 (S.I. 2004/1267)

Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741)

Local Elections (Northern Ireland) Order 2010 (S.I. 2010/2977)

Controlled Drugs (Supervision of Management and Use) Regulations (Northern Ireland) 2009 (S.R. (N.I.) 2009 No. 225)

The Control of Explosives Precursors etc Regulations (Northern Ireland) 2014 (S.R. (N.I.) 2014 No. 224)

Education (Pupil Records and Reporting) (Transitional) Regulations (Northern Ireland) 2007 (S.R. (N.I.) 2007 No. 43)

Energy Order 2003 (Supply of Information) Regulations (Northern Ireland) 2008 (S.R. (N.I.) 2008 No. 3)

Data Protection Bill [HL]

Schedule 18 – Minor and consequential amendments
Part 2 – Amendments of other legislation

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Northern Ireland Assembly Commission (Crown Status) Order 1999 (S.I. 1999/3145)

238 For article 9 of the Northern Ireland Assembly Commission (Crown Status) Order 1999 substitute –

“9 Data Protection Act 2018

- (1) The Commission is to be treated as a Crown body for the purposes of the Data Protection Act 2018 to the extent specified in this article.

Data Protection Bill [HL]

Schedule 18 – Minor and consequential amendments
Part 2 – Amendments of other legislation

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Court Files Privileged Access Rules (Northern Ireland) 2016 (S.R. (N.I.) 2016 No. 123)

- 383 The Court Files Privileged Access Rules (Northern Ireland) 2016 are amended as follows.
- 384 In rule 5 (information that may released) for “Schedule 1 of the Data Protection Act 1998” substitute “—
- (a) Article 5(1) of the GDPR, and
 - (b) section 34(1) of the Data Protection Act 2018.”
- 385 In rule 7(2) (provision of information) for “Schedule 1 of the Data Protection Act 1998” substitute “—
- (a) Article 5(1) of the GDPR, and
 - (b) section 34(1) of the Data Protection Act 2018.”



Home > Bills 1997 - 2018 > Data Protection Bill 2018 [Seanad]...

- Weekly Business
- Acts
- Bills
- Bill Amendments

Data Protection Bill 2018 [Seanad]

An Bille um Chosaint Sonraí, 2018 [Seanad]

Report and Final Stages

[22/03/2018](#)

[28/03/2018](#) (resumed)

[List of Proposed Report Stage Amendments](#)

[Data Protection Bill 2018 as passed by Seanad Éireann](#)

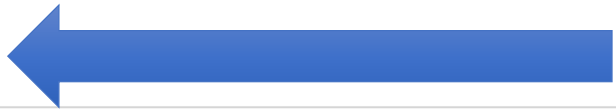


Dáil Éireann

Second Stage

DDMMYY

Referred to Select Committee DDMMYY



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Mentions of
“Northern Ireland”
in the Data
Protection Bill 2018
[Seanad]



“Common Travel
Area” includes
Northern Ireland
(section 37(6))

The
processing/disclosure
of personal data
to preserve the CTA
shall be lawful
(section 37(1)(3))

**So, what impact
will the GDPR
have on legal
practice?**

Lawyers and GDPR

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Pop quiz

Who here is ready
for GDPR?

Lawyers and GDPR

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WHITE PAPER

**Law firms and
cybersecurity:** how
can lawyers keep their
client data confidential?

of firms believe they are
currently compliant with the
requirements of GDPR



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Data protection for law firms



Data protection for law firms



ICO Webinar:

Data protection
for law firms

12:00 Wednesday 13 July

ico.
Information Commissioner's Office

41:18

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Protection Reform



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Register of data controllers


Share 

The Data Protection Act 1998 requires every organisation that processes personal information to register with the Information Commissioner's Office (ICO), unless they are exempt. Failure to do so is a criminal offence.



There are more than half a million registered data controllers. We publish the name and address of these data controllers, as well as a description of the kind of processing they do.

[Search the register →](#)

Further reading

 [Download the register](#)
About the ICO

£35 per year

 [#TRADATA](#)
 [@cearta](#)

[About the ICO](#) / [What we do](#) /

Register of data controllers

Share 

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Data Protection Bill [HL]

136 Charges payable to the Commissioner by controllers

(1) The Secretary of State may by regulations require controllers to pay charges of an amount specified in the regulations to the Commissioner.

Further reading

 [Download the register](#)
About the ICO

£?? per year

Data breaches by lawyers

Training of Lawyers on
the European Data
Protection Reform

Search... 

THE  TIMES
THE BRIEF

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NEWS

Hackers upload thousands of City law firm passwords online

Details for all five 'magic circle' firms available the dark web

B By The Brief team on
Jan 23, 2018
 0  0

PREMIUM



Data breaches by lawyers

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1,159,687 email addresses from top 500 UK legal firms found on the Dark Web



22nd January 2018

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18th January 2018, London UK — Over a million leaked and hacked credentials from the UK's top law firms have been found on the Dark Web, leaving the firms vulnerable to phishing scams, and the possibility of significant data theft. The figures represent an average of 2,000 email addresses per company, with the largest firm having just over 30,000 email addresses on the Dark Web.

The email addresses, including nearly 80,000 from the legal industry's Magic Circle, have been found by cybersecurity specialist RepKnight as part of a campaign to raise awareness of the huge number of leaked and hacked credentials circulating on the Dark Web.



Data breaches by lawyers

Training of Lawyers on
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WHITE PAPER

**Law firms and
cybersecurity:** how
can lawyers keep their
client data confidential?

20%

of law firms have
experienced an
attempted cyberattack
in the last month



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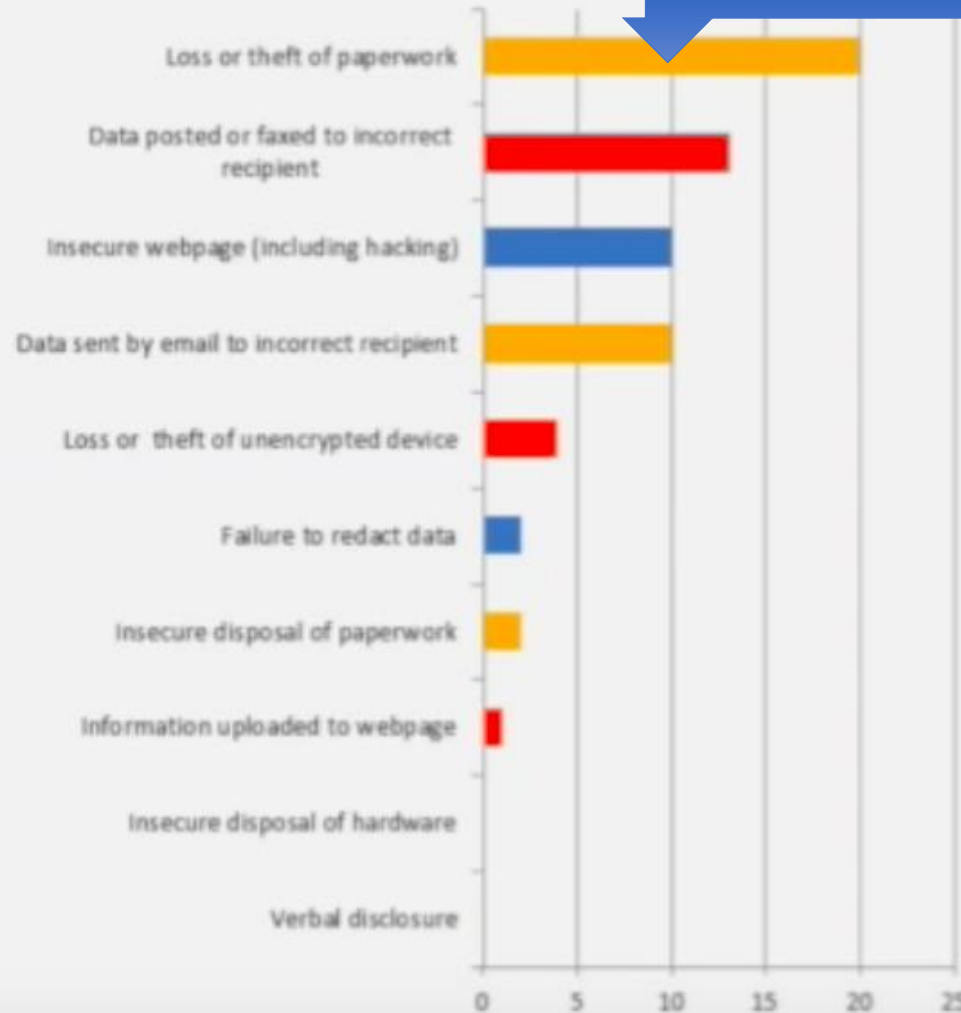


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In 2015/16, **4%** of all data security incidents reported to the ICO related to solicitors and barristers. That's **75** out of 1895.

Legal sector data security breaches by type in 2015/16



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ICO 2015/2016

75 incidents out of 1895 reported breach = **4%**

20 of 75 theft/loss papers = **27%**

This was a slight decrease of **4%** on the previous year.

The two main data security issues affecting the legal profession are:



Loss and theft of paperwork (27% of incidents in 2015/16)

Data being posted or faxed to The incorrect recipient (17% of incidents in 2015/16)



Art 33 GDPR

Reporting of breach

MANDATORY
WITHIN

72
HOURS

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Data Protection Bill [HL]

81 Reporting of infringements

- (1) Each controller must implement effective mechanisms to encourage the reporting of an infringement of this Part.
- (3) The mechanisms implemented under subsection (1) must include—
 - (a) raising awareness of the protections provided by ... **Part 5A of the Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919 (N.I. 16)), ...**

Data breaches by lawyers

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The Law Society
Gazette

PRACTICE

ICO probes 173 law firms over data protection breaches

By Monidipa Fouzder | 16 April 2015



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Data breaches by lawyers

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WHITE PAPER

**Law firms and
cybersecurity:** how
can lawyers keep their
client data confidential?



Solicitors **Regulation** Authority

receives about 40
complaints a month
relating to breaches
of confidentiality.



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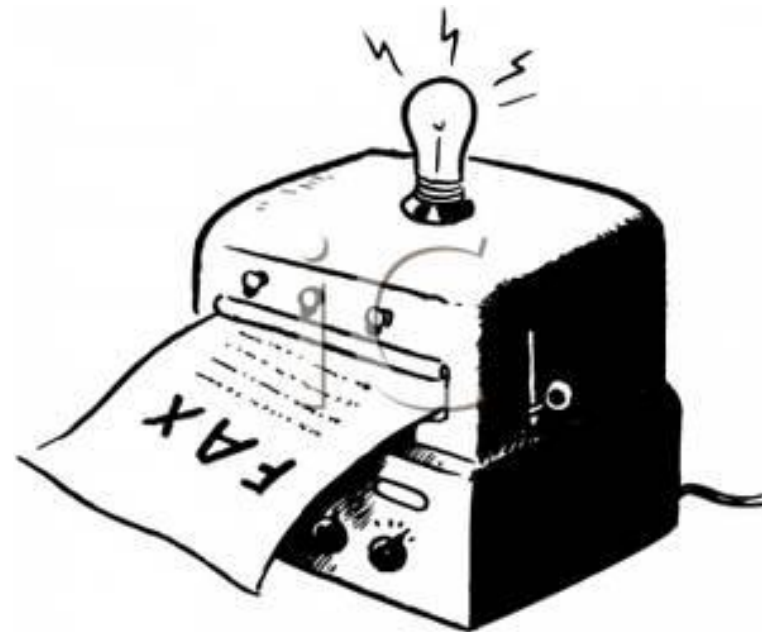
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2010: ICO's first
civil monetary penalty

£100,000



x2

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2017
£1,000

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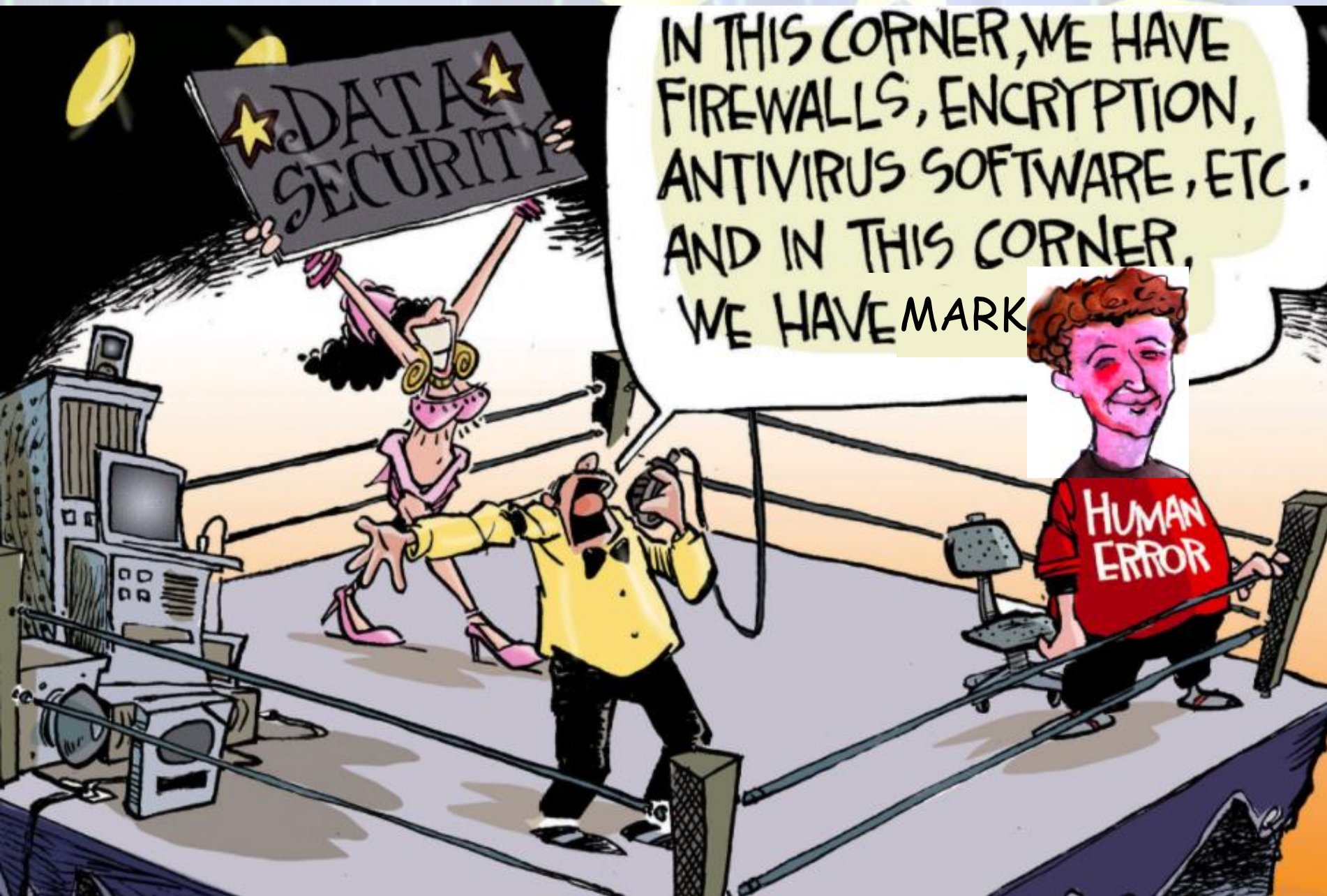
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ODPC
Case Study
6/01

Steps you can take

- Encrypt electronic devices
 - Adequate physical security
 - Data minimisation
 - Clear policies and procedures
 - Appropriate training ←
 - Effective access control
-



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Data breaches through public computers

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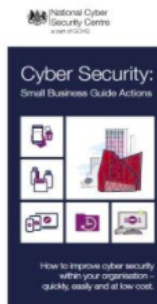
12 April 2018

New Cyber Security - Small Businesses Action Guide

Organisations can carry out the following actions in accordance with the guidance contained in the Small Business Guide.

Implementing these actions will significantly reduce the chance of you becoming a victim of cyber crime.

To find out more, please visit
[ncsc.gov.uk/smallbusiness](https://www.ncsc.gov.uk/smallbusiness)



Categories

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[ADR \(2\)](#)



[Advocacy \(1\)](#)



[Articles \(1\)](#)



[Campaigns \(4\)](#)



[CCBE \(1\)](#)



[Conveyancing \(2\)](#)



[CPD \(6\)](#)



Law Society of
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The screenshot shows the Law Society of Ireland website. The top navigation bar includes links for Legal Vacancies Home, Contact Us, Help, My Basket (0), and Login. The main navigation menu features Public, Trainees, Solicitors, Courses & Events, Find a Solicitor, Careers, and News. The breadcrumb trail indicates the current page is Home > Solicitors > Running a Practice > Cyber Security. A large banner image displays the text 'Cyber security Be prepared' and 'SAFE CODE' with padlock icons. A sidebar menu on the left lists categories like Representation, Practising, Running a Practice, and Cyber Security. The main content area is titled 'Cyber security and your practice' and contains introductory text about cybercrime, a note about future updates, and a section titled 'What is cybercrime?'.

Legal Vacancies Home Contact Us Help My Basket 0 Login

Law Society of Ireland

Enter key word... Search

Public Trainees **Solicitors** Courses & Events Find a Solicitor Careers News

Home Solicitors > Running a Practice > Cyber Security Print

Cyber security
Be prepared
SAFE CODE

Representation >
Practising >
Running a Practice v
Cyber Security v
Have you been a victim?
Cyber alerts
Published articles

Cyber security and your practice

In this section you learn what cybercrime is, read details of specific threats we are aware of, plus articles on types of fraud and security tips and use our form to tell us about your experiences in confidence.

We will add more information and examples of fraud, particularly occurring in Ireland, as they come to our attention.

What is cybercrime?

Cybercrime can be described as a criminal activity carried out using computers and the internet. The most common method of perpetrating cybercrime is through a phishing attack and includes financial fraud, theft of confidential data, ransomware and

Law Society
of Ireland

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Search The Law Society

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Practice areas Support and services Policy and campaigns Communities News Law careers

You are here: Home > Support services > Practice management > Cybersecurity and scam prevention

Cybersecurity and scam prevention

The legal sector is at significant risk of cybercrime, cyber attacks and scams, partly because of the sensitive data and significant monies held by law firms.

62 per cent of law firms reported a cyber attack in 2015, a 17 per cent increase on the previous year. Four per cent of all data security incidents reported in 2015/16 related to solicitors and barristers.

We've compiled this information resource to help you:

- **Understand cybersecurity:** its threats and risks to the legal sector
- Educate your staff through **cybersecurity training, events and publications**
- **Access guidance and advice** to take a proactive approach to reduce cyber threats

Cybersecurity news digest sign-up

Join our email list to receive our cybersecurity news digest direct to your inbox

> Sign up

Guidance and advice

Access our guidance and advice to help protect your firm against cyber threats

> Find out more

Endorsed partners

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The screenshot shows the website's navigation menu with options like 'The Law Society', 'Find a Solicitor', 'Gazette Jobs', 'The Gazette', 'Professional Development Centre', 'Bookshop', and 'Events'. The main content area is titled 'GDPR resources and support' and includes a breadcrumb trail: 'You are here: Home > Support services > Practice management > GDPR preparation > GDPR resources and support'. A blue arrow points to the 'GDPR resources and support' section. The page content includes a 'Print this page' button, a description of services, a 'Risk and Compliance Service' section, and a 'Publications' section mentioning 'EU GDPR - A Guide to the New Law'.

The Law Society

Library search Insights

The Law Society

My Law Society Find a Solicitor

Search The Law Society

Account log in

Practice areas Support and services Policy and campaigns Communities News Law careers

You are here: Home > Support services > Practice management > GDPR preparation > GDPR resources and support

GDPR resources and support

Print this page

The Law Society offers services and publications to help firms prepare for GDPR and we will be adding more.

Risk and Compliance Service

The Law Society's **Risk and Compliance Service** helps COLPs, COFAs and those with risk management responsibilities in a variety of ways, including GDPR compliance.

Publications

Law Society Publishing has published *EU GDPR - A Guide to the New Law* by James Castro-Edwards which can be ordered from our bookshop.

Cybersecurity services

News year resolution.

Save 10% The Economist

Cellcrypt

Put your house in order

From the Property Section: Peter Rodd on management in conveyancing

> More

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SEARCH

No Results Found

Sorry, your search didn't return any results. Try widening the search phrase before you search again.

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[EQUALITY AND DIVERSITY](#) | [ACCESSIBILITY](#) | [TERMS AND CONDITIONS](#) | [PRIVACY POLICY](#)

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THE BAR
OF IRELAND
The Law Library

THE GENERAL DATA PROTECTION REGULATION (GDPR)

WHAT YOU NEED TO KNOW

Who can I talk to about GDPR compliance?

Please send any queries you have in relation to the GDPR to jokane@lawlibrary.ie or contact the IT Helpdesk at ithelpdesk@lawlibrary.ie, or EXT 5500.

A GDPR section can be found in the members section of The Bar of Ireland website – www.lawlibrary.ie. Our weekly e-zine *In Brief* will have regular GDPR updates and links to all of the latest information.

Bar of
Ireland

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The screenshot shows the Bar Council Ethics & Practice website. At the top left is the logo for 'Ethics & Practice For the working environment'. To its right is a navigation menu with 'Browse Documents' and a search bar containing the text 'Search the Bar Council ethics & practice documentation...'. Below the navigation is a dark teal header with 'IT >' and the document title 'General Data Protection Regulation (GDPR): Guide for Barristers and Chambers'. On the left side, there is a vertical menu with categories: 'Ethics', 'Equality & Diversity', 'International', 'IT' (highlighted), and 'Remuneration and Contracts'. Below this is a section 'View documents by' with options: 'Most Popular', 'Latest updates', and 'Featured'. At the bottom left is a 'Keep informed' section with the text 'Follow or subscribe to get updates as they are published.' and icons for email, LinkedIn, and Twitter. The main content area on the right contains a table with document details:

Purpose:	To assist barristers and sets of chambers in their compliance with the GDPR
Scope of application:	All barristers and chambers
Issued by:	The Information Technology Panel
First reviewed:	01/10/2017
Last reviewed:	01/10/2017
Status and effect:	Please see the notice at end of this page. This is not "guidance" for the purposes of the BSB Handbook I6.4.

Below the table, there is a paragraph: 'The General Data Protection Regulation (GDPR) comes into force in May 2018, directly applicable to the UK. This guide and associated annexes seek to provide essential support to barristers and chambers in meeting their data protection obligations.' Another paragraph follows: 'The first phase of the Bar Council and Partners' GDPR Readiness Project is due to begin very soon. This phase involves producing a self-auditing compliance tool and materials specific to barrister and chambers, available to them for free. The project is due to be completed by the Annual Bar and Young Bar Conference on 4 November 2017.' At the bottom, there are two download buttons: 'Download: General Data Protection Regulation:' with a 'Download (PDF)' button, and 'Download: Annexes to GDPR:' with a 'Download (PDF)' button.

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Bar Council
(England & Wales)

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Pop quiz

What's the
scouts' motto?

Step 2 – Data inventory

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12 steps to being prepared

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2 **Becoming Accountable**

Make an inventory of all personal data you hold. Why do you hold it? Do you still need it? Is it safe?

 [Get More Info](#)



Step 2 – Data inventory

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MCCANN FITZGERALD

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MAINTAINING AN INVENTORY OF PERSONAL DATA

seen as extremely challenging or very challenging

2016

43%

2017

52%

ASSESSING AND DOCUMENTING PRIVACY RISKS

seen as extremely challenging or very challenging

40%

56%

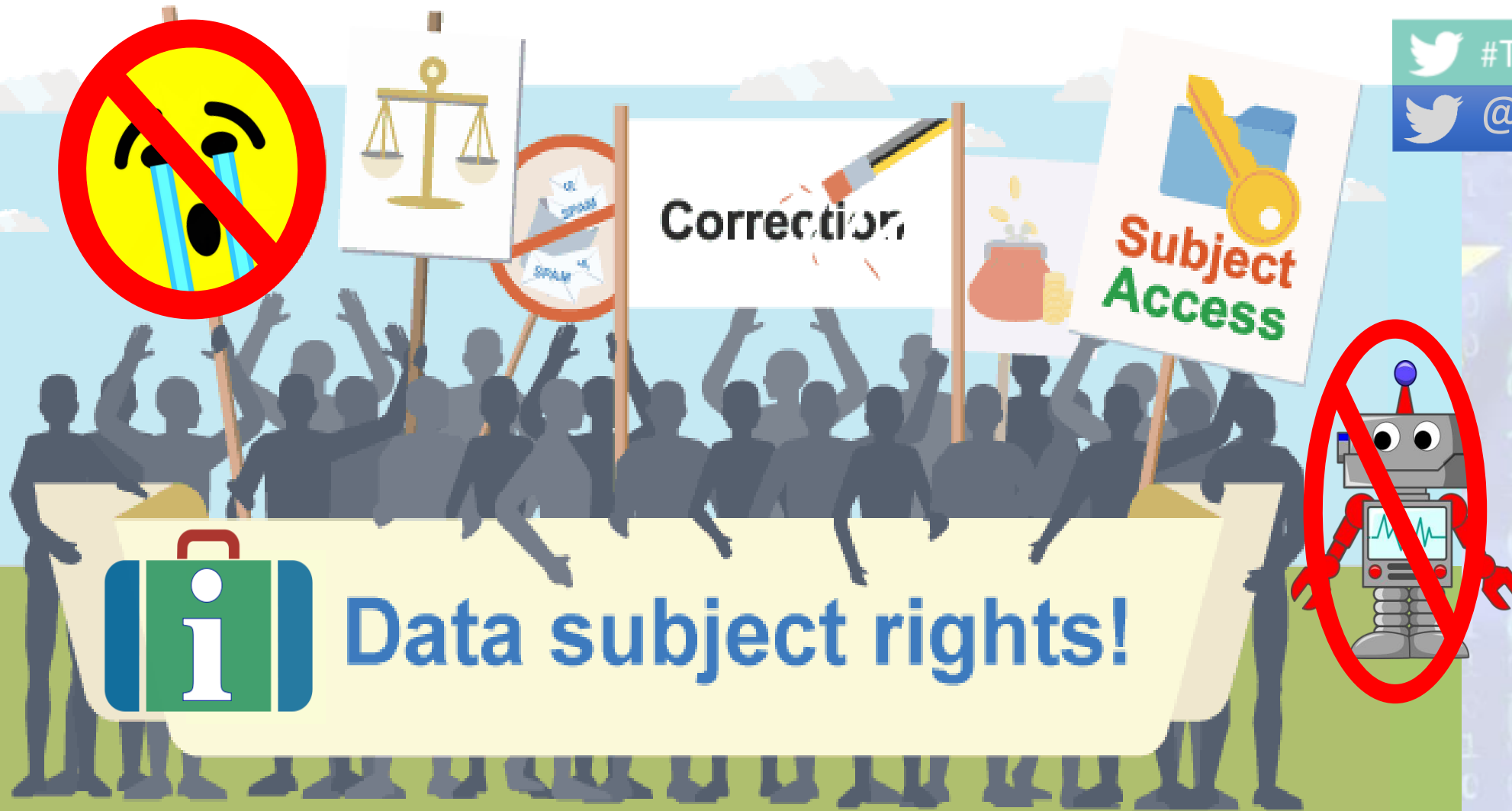


Data subject rights

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Ashley Dawson-Damer

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Taylor Wessing

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TaylorWessing

Forward-thinking international law firm

Legal professional privilege

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Dawson-Damer v Taylor Wessing LLP

[2015] EWHC 2366 (Ch) (06 August 2015)

[2017] EWCA Civ 74 (16 February 2017)

Legal professional privilege

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ODPC
Case Study
12/11

Data Protection Bill [HL]

Schedule 2 - Exemptions etc from the GDPR

Part 3 - Restriction based on Article 23(1): protection of rights of others

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Legal professional privilege

19 The listed GDPR provisions do not apply to personal data that consists of information in respect of which a claim to legal professional privilege ...could be maintained in legal proceedings.

Section 132: ICO guidance



Data Protection Bill 2018 [Seanad]

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Section 149

LPP and SAR

Section 158



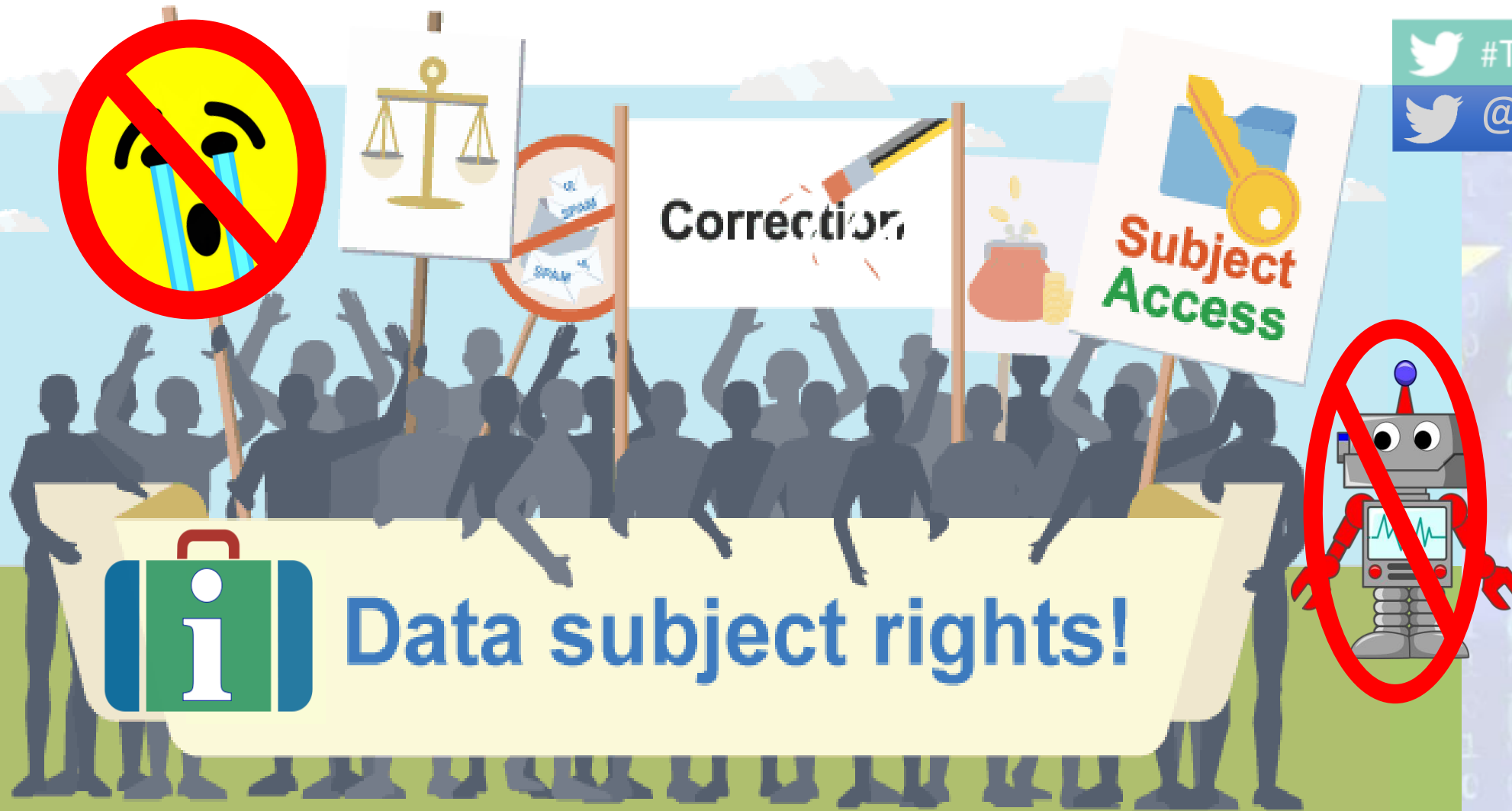
**So, how can I
use the GDPR
in my day-to-day
legal practice?**

Data subject rights

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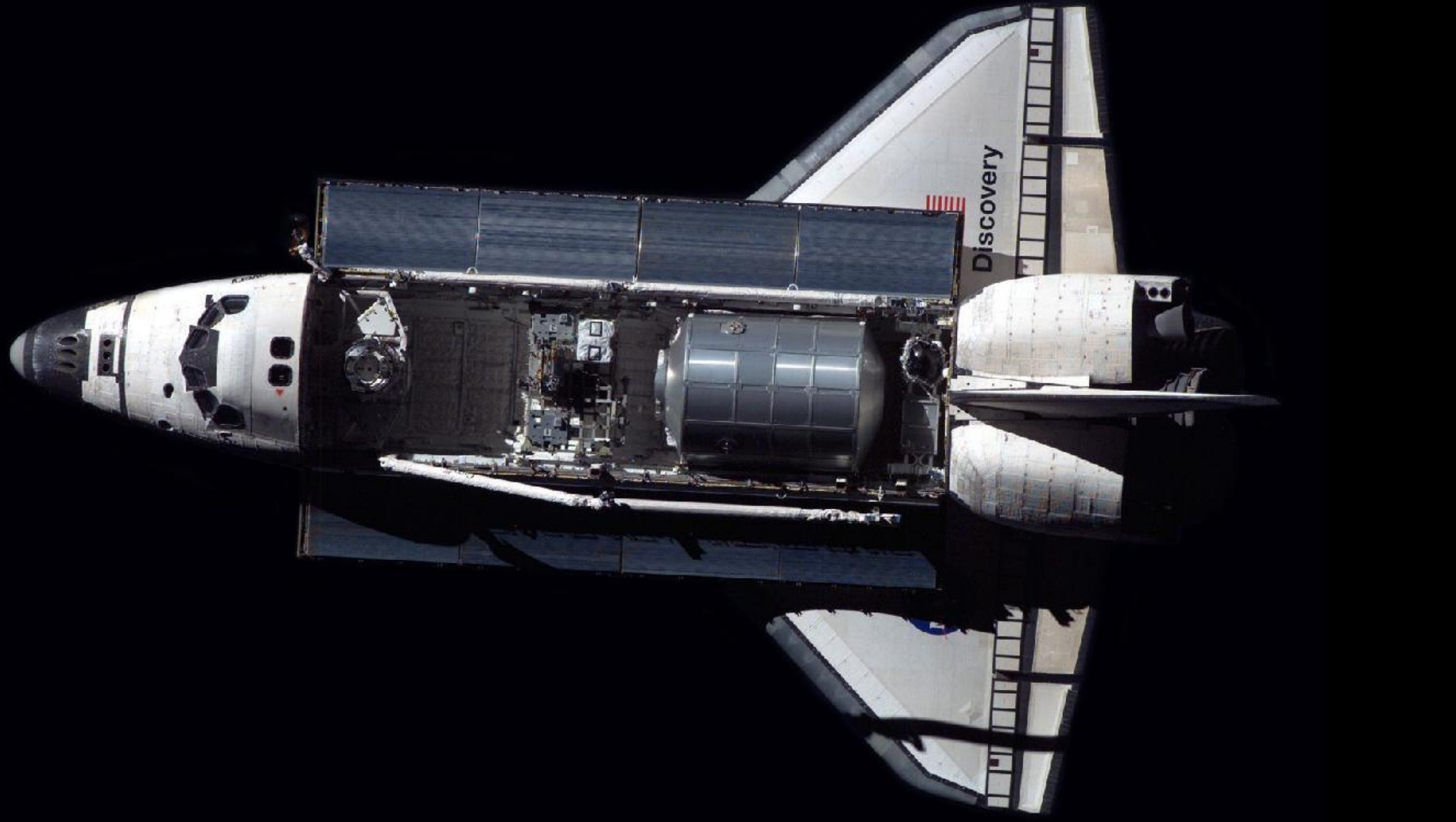


Subject access requests

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Subject access requests



S U S Q U E H A N N A
International Group Ltd

v Needham

[2017] IEHC 706 (24 Nov 2017)

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Converse

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Other
confidentiality
disclosure *etc*
regimes
unaffected
& continue
to apply

**So, what impact
will the GDPR
have on
Family Law?**

Children

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12 steps to being prepared

8

Processing Children's Data

Do you have adequate systems in place to verify
individual ages and gather consent from guardians?

 [Get More Info](#)

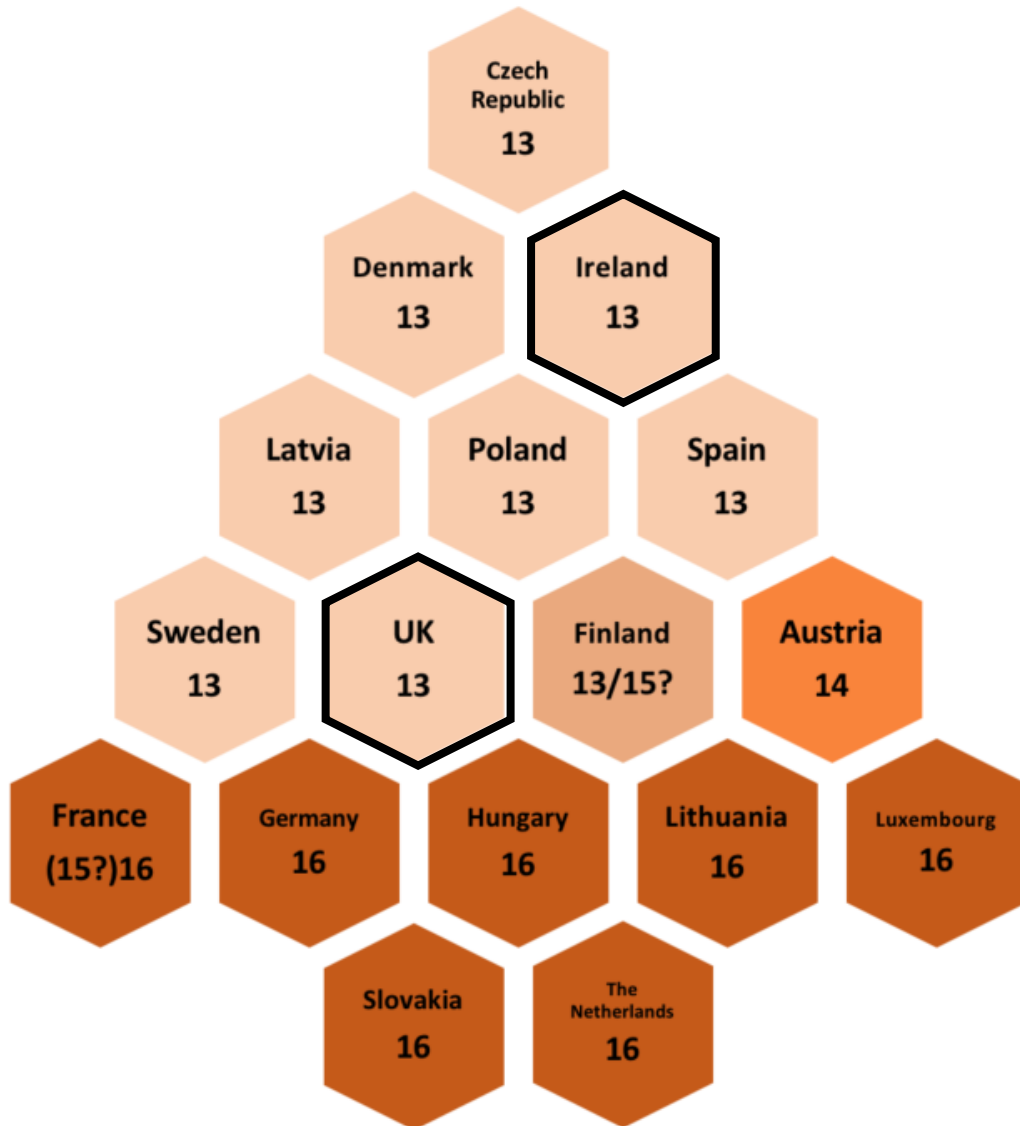


Digital age of consent

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Articles 6-8 GDPR

Clause 9 UK Bill

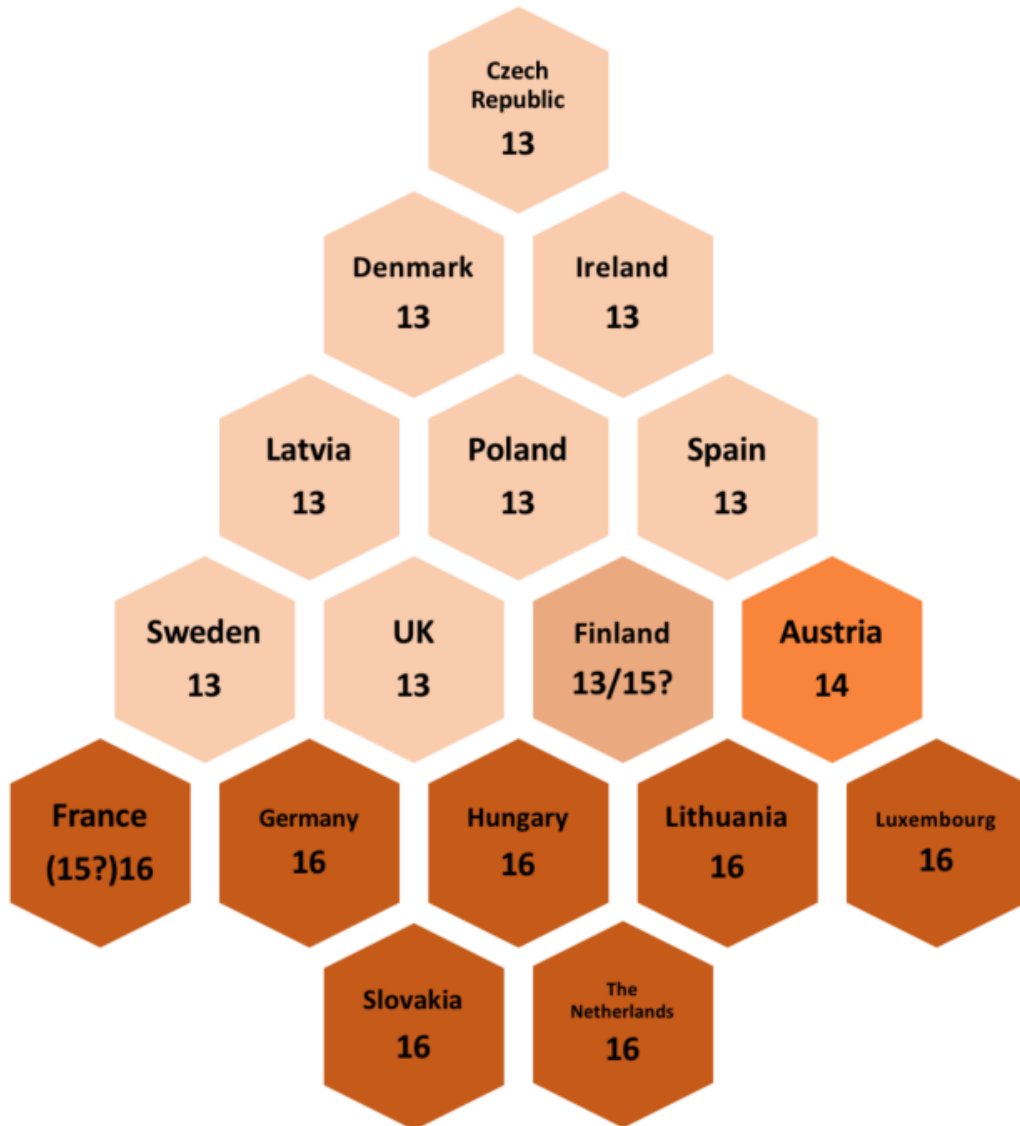
Section 30 Irish Bill

Digital age of consent

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17 of EU28 surveyed

8 set the age at 13

1/13-15; 1/14; 1/15-16

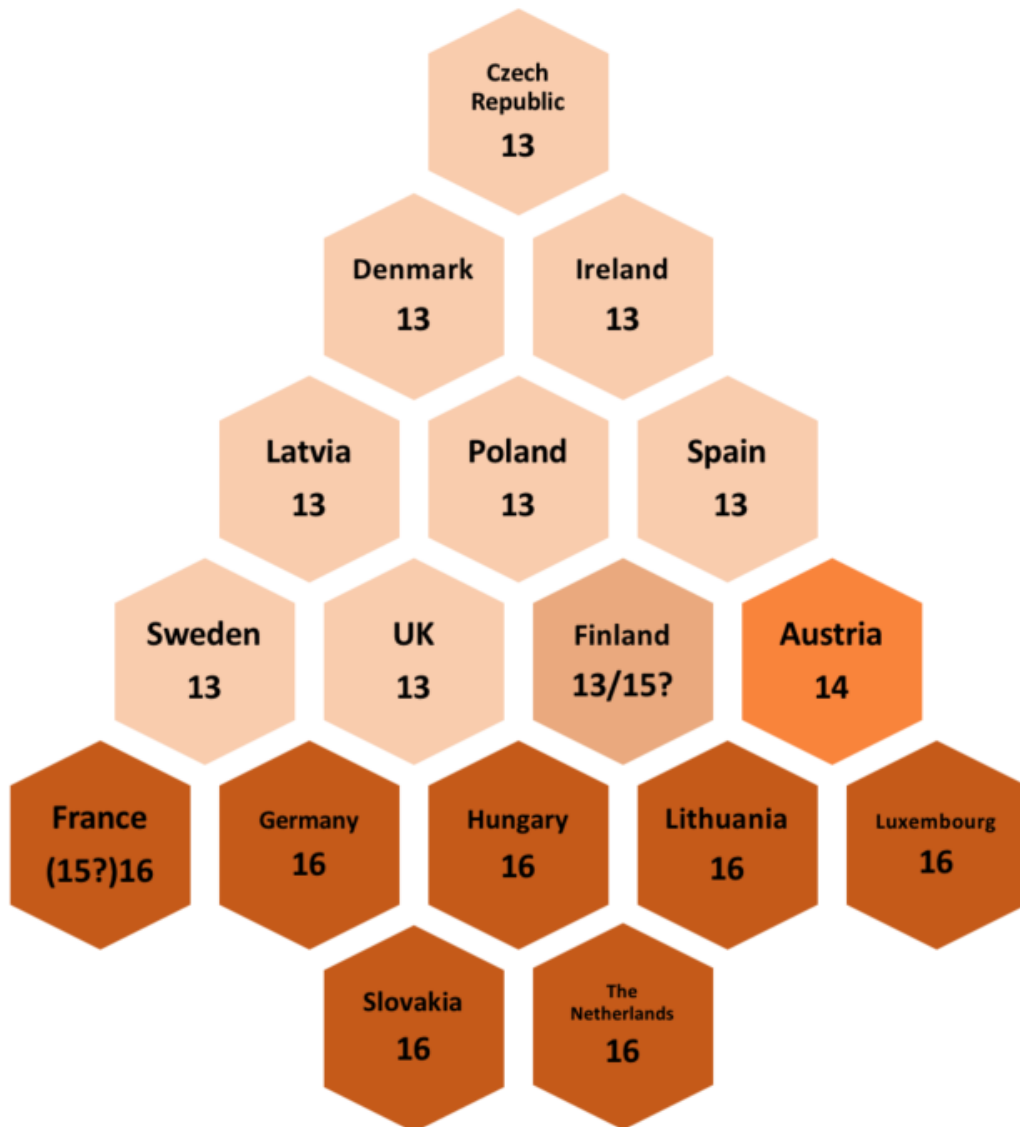
6 set the age at 16

Digital age of consent

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Only for GDPR

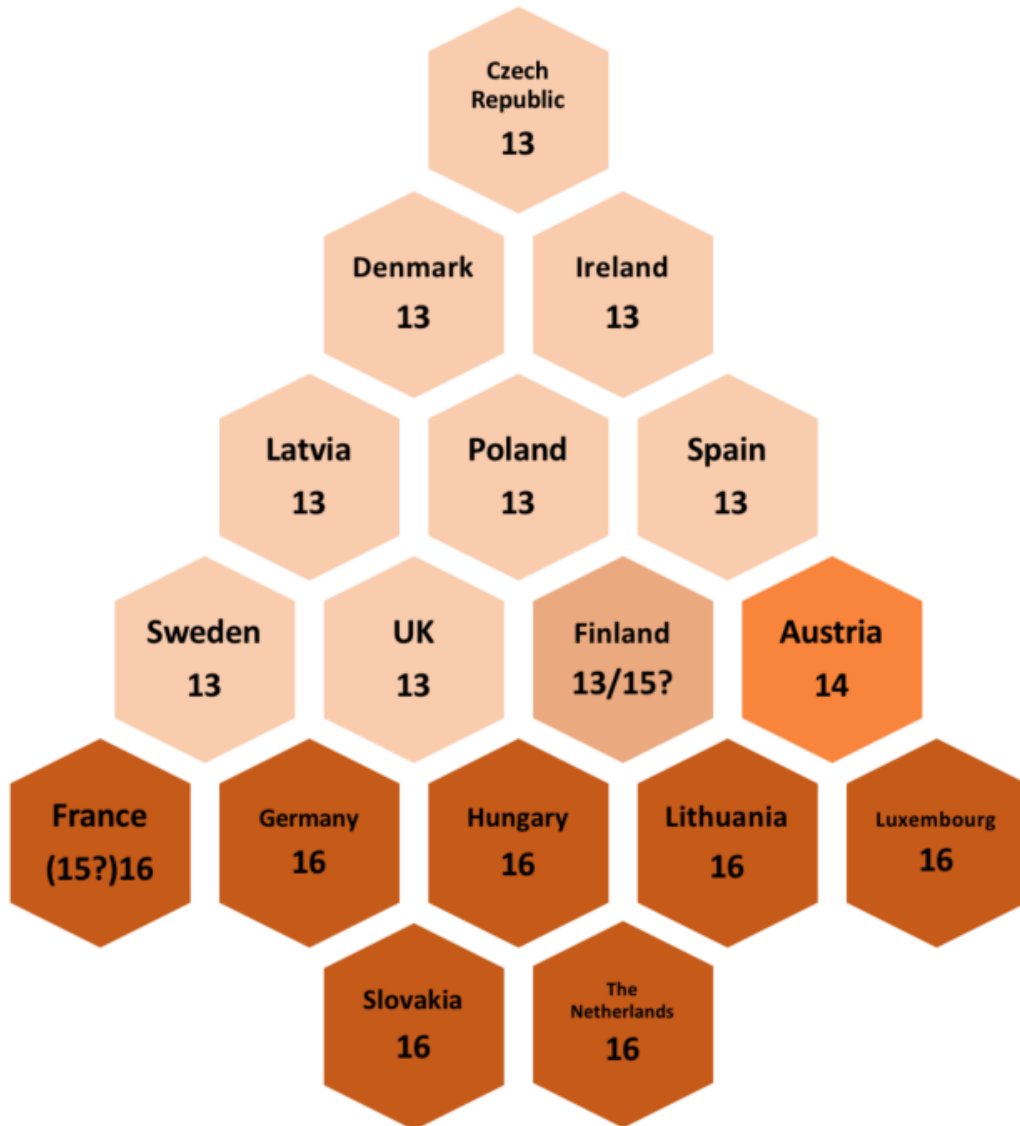
Other ages of consent
(eg contract) and rules
relating to capacity and
competence (eg *Gillick*)
are unaffected

Digital age of consent

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Only for consent

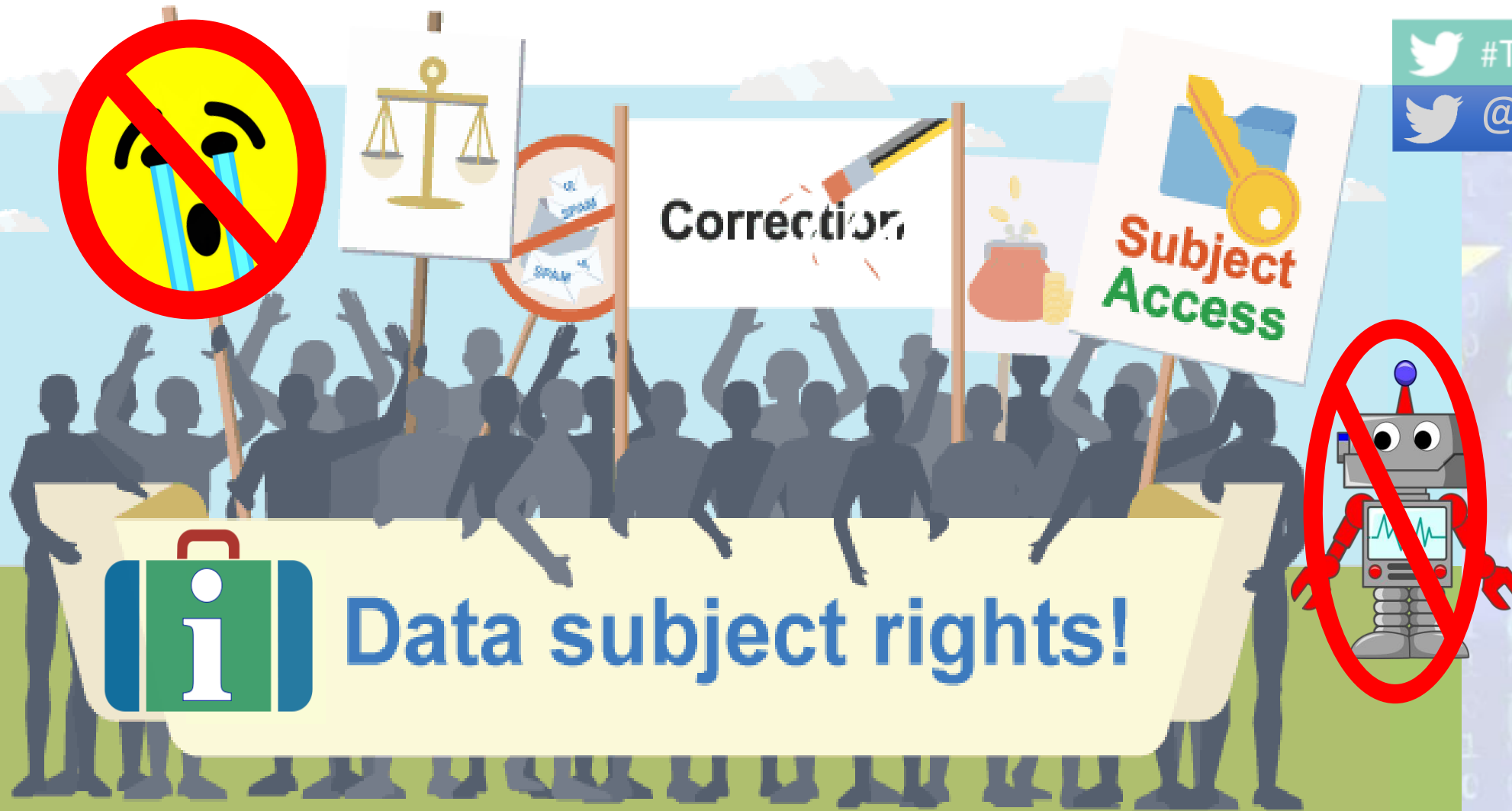
Every child has the full
range of data subject
rights under GDPR

Children as data subjects with DP rights

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Data Protection Bill [HL]

Schedule 3 – Exemptions etc from the GDPR: ...

Part 2 – Health data

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Exemption from the listed GDPR provisions: data processed by a court

- 3 (1) The listed GDPR provisions do not apply to data concerning health if –
- (a) it is processed by a court,
 - (b) it consists of information supplied in a report or other evidence given to the court in the course of proceedings to which rules listed in subparagraph (2) apply, and
 - (c) in accordance with those rules, the data may be withheld by the court in whole or in part from the data subject.
- (2) Those rules are –
- (b) the Magistrates' Courts (Children and Young Persons) Rules 1992 (S.I. 1992/2071 (L. 17));
 - (c) the Family Proceedings Rules (Northern Ireland) 1996 (S.R. (N.I.) 1996 No. 322);
 - (d) the Magistrates' Courts (Children (Northern Ireland) Order 1995) Rules (Northern Ireland) 1996 (S.R. (N. I.) 1996 No. 323);

Data Protection Bill [HL]

Schedule 3 – Exemptions etc from the GDPR: ...

Part 3 – Social work data

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Exemption from the listed GDPR provisions: data processed by a court

- 9 (1) The listed GDPR provisions do not apply to data that is not education data or data concerning health if –
- (a) it is processed by a court,
 - (b) it consists of information supplied in a report or other evidence given to the court in the course of proceedings to which rules listed in subparagraph (2) apply, and
 - (c) in accordance with any of those rules, the data may be withheld by the court in whole or in part from the data subject.
- (2) Those rules are –
- (a) the Magistrates' Courts (Children and Young Persons) Rules (Northern Ireland) 1969 (S.R. (N.I.) 1969 No. 221);
 - (c) the Family Proceedings Rules (Northern Ireland) 1996 (S.R. (N.I.) 1996 No. 322);
 - (d) the Magistrates' Courts (Children (Northern Ireland) Order 1995) Rules (Northern Ireland) 1996 (S.R. (N. I.) 1996 No. 323);

Data Protection Bill [HL]

Schedule 3 – Exemptions etc from the GDPR: ...

Part 4 – Education data

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Exemption from the listed GDPR provisions: data processed by a court

- 18 (1) The listed GDPR provisions do not apply to education data if –
- (a) it is processed by a court,
 - (b) it consists of information supplied in a report or other evidence given to the court in the course of proceedings to which rules listed in subparagraph (2) apply, and
 - (c) in accordance with those rules, the data may be withheld by the court in whole or in part from the data subject.
- (2) Those rules are –
- (a) the Magistrates' Courts (Children and Young Persons) Rules (Northern Ireland) 1969 (S.R. (N.I.) 1969 No. 221);
 - (c) the Family Proceedings Rules (Northern Ireland) 1996 (S.R. (N.I.) 1996 No. 322);
 - (d) the Magistrates' Courts (Children (Northern Ireland) Order 1995) Rules (Northern Ireland) 1996 (S.R. (N. I.) 1996 No. 323);

Data Protection Bill [HL]

Schedule 4 – Exemptions etc from the GDPR: disclosure prohibited or restricted by an enactment

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Statements of special educational needs

- 4 (1) The listed GDPR provisions do not apply to personal data consisting of information the disclosure of which is prohibited or restricted by an enactment listed in sub-paragraph (2).
- (2) The enactments are –
 - (c) regulation 22 of the Education (Special Educational Needs) Regulations (Northern Ireland) 2005 (S.R. (N.I.) 2005 No. 384).

Data Protection Bill [HL]

Schedule 4 – Exemptions etc from the GDPR: disclosure prohibited or restricted by an enactment

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Parental order records and reports

- 5 (1) The listed GDPR provisions do not apply to personal data consisting of information the disclosure of which is prohibited or restricted by an enactment listed in sub-paragraph (2), (3) or (4).
- (4) The enactments extending to Northern Ireland are –
 - (a) Articles 50 and 54 of the Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22)), as applied with modifications by regulation 3 of and Schedule 2 to the Human Fertilisation and Embryology (Parental Orders) Regulations 2010 in respect of parental orders made under –
 - (i) section 30 of the Human Fertilisation and Embryology Act 1990, or
 - (ii) section 54 of the Human Fertilisation and Embryology Act 2008;
 - (b) rules 4, 5 and 16 of Order 84A of the Rules of the Court of Judicature (Northern Ireland) 1980 (S.R. (N.I.) 1980 No. 346);
 - (c) rules 3, 4 and 15 of Order 50A of the County Court Rules (Northern Ireland) 1981 (S.R. (N.I.) 1981 No. 225).

Data Protection Bill [HL]

Schedule 4 – Exemptions etc from the GDPR: disclosure prohibited or restricted by an enactment

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Statements of special educational needs

- 4 (1) The listed GDPR provisions do not apply to personal data consisting of information the disclosure of which is prohibited or restricted by an enactment listed in sub-paragraph (2).
- (2) The enactments are –
 - (c) regulation 22 of the Education (Special Educational Needs) Regulations (Northern Ireland) 2005 (S.R. (N.I.) 2005 No. 384).

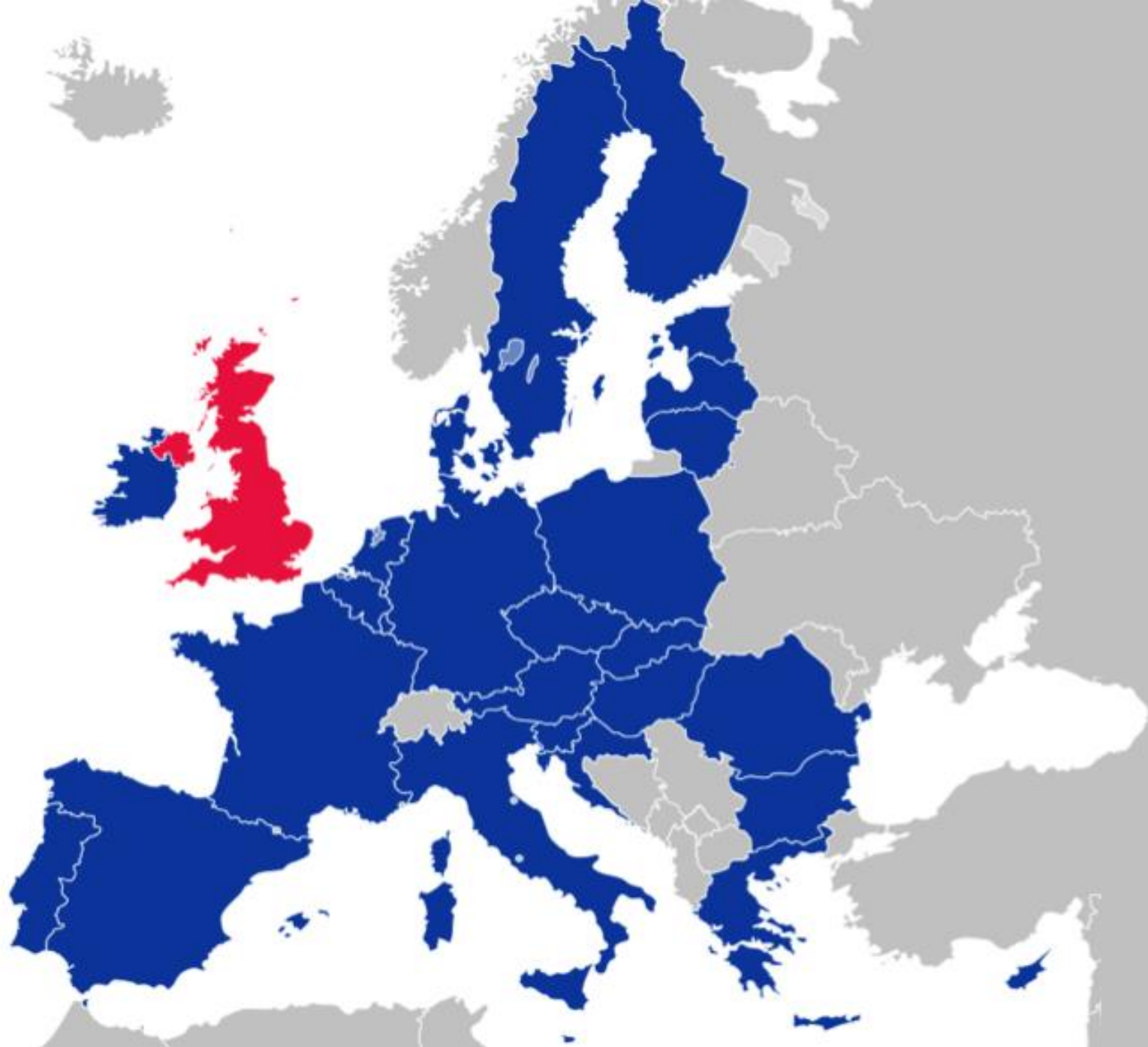
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Brexit & GDPR
EU Commission
Notice to
Stakeholders



19 January 2018



Adequacy agreements

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Will the Bill be adequate?

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House of Lords
House of Commons
Joint Committee on
Human Rights

Legislative Scrutiny: The EU (Withdrawal) Bill: A Right by Right Analysis

Given the vast number of exemptions and derogations provided for in the Data Protection Bill, there is a question as to whether the Bill offers protection that is equivalent to Article 8 of the Charter

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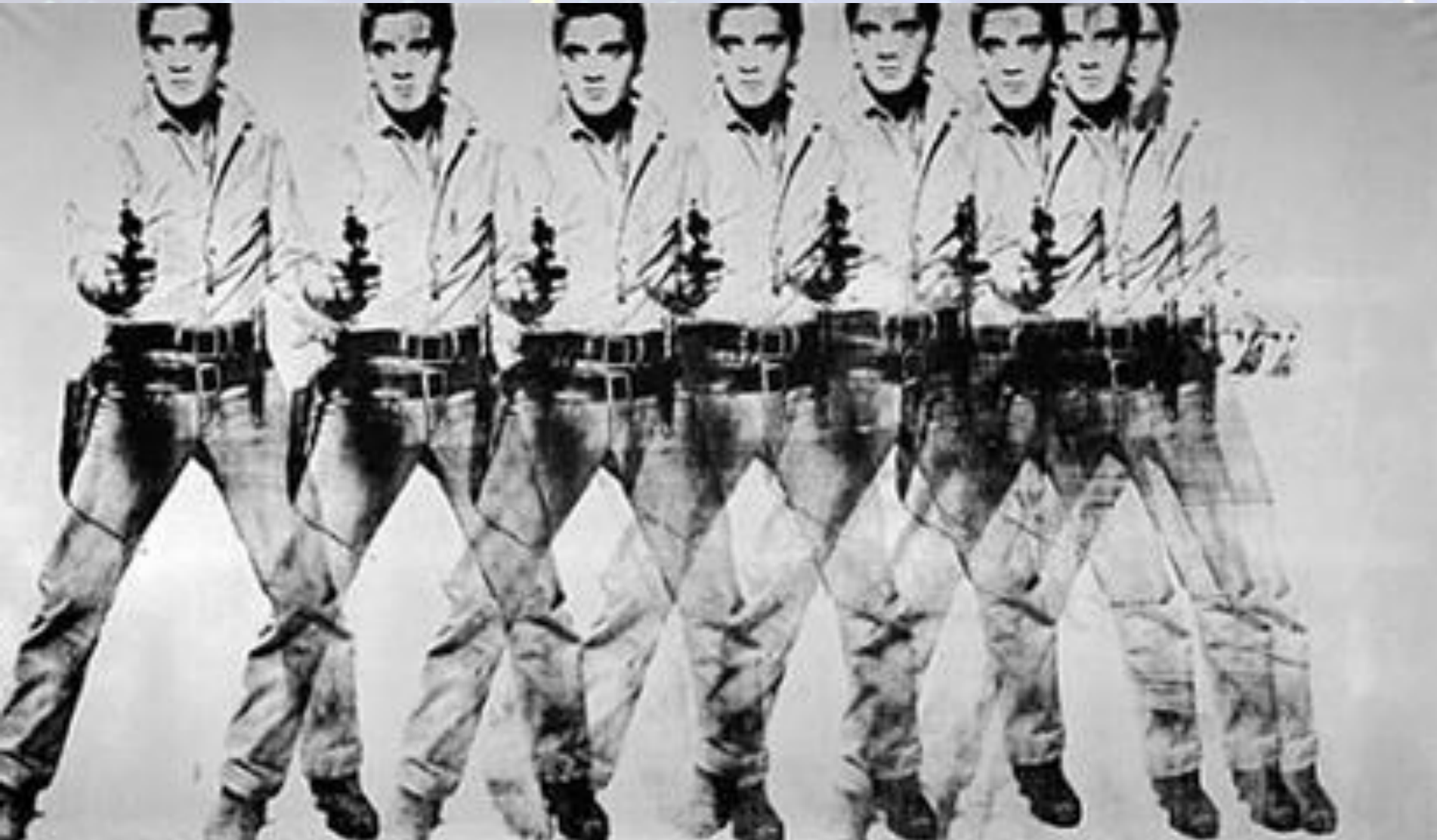


**DO
PANIC**

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Thank
you
very
much

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Trinity College Dublin
Coláiste na Tríonóide, Baile Átha Cliath
The University of Dublin

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Training of Lawyers on
the European Data
Protection Reform

 #TRADATA

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Training of Lawyers on the EU Data Protection Reform (TRADATA)



The project is co-financed with the support of the European Union's Rights, Equality and Citizenship programme



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COFFEE BREAK
4:00PM



GDPR & THE EMPLOYER

SARAH COCHRANE

LEONA RANKIN



General Data Protection Regulations and HR / Employment issues

20 April 2018



Agenda

1. Key Changes

2. GDPR Cradle to Grave

- **recruitment and selection**
- **managing the employment relationship**
- **termination and beyond**

3. Getting Ready - Checklist



Terminology

Data Controller - Determines the purposes and means of the processing of personal data.

Data Processor - A natural or legal person, public authority, agency or other body which processes personal data on behalf of data controller

Personal Data - Any information relating to data subject e.g. personal details, family and lifestyle details, education and training, financial details.

Processing - Carrying out any operation or set of operations including collection, recording, storage, structuring, consulting etc.



GDPR – key changes



Key changes

- **Core rules remain similar**
- **Strengthened rights for data subjects**
- **Less reliance on “consent”**
- **Concept of “high risk” processing**
- **Data processors as well as data controller obligations**
- **Breach consequences**



General principles

- **Lawfulness, fairness and transparency**
- **Purpose limitation**
- **Data minimisation**
- **Accuracy**
- **Retention**
- **Integrity and confidentiality**
- **Accountability**



Key change – breach and sanction

Penalties

- up to 4% global turnover or 20 million (whichever higher)

Breach notification

- To regulator “without undue delay” and within 72 hours where “risk” to data subject
- To data subject where “high risk”
- Importance of encryption; regular systems testing



Key change – consent

- **must identify “processing condition” i.e. must only process the data on the basis of one or more of the following legal grounds:**
 - **Consent**
 - **Necessary for performance of contract**
 - **Legal obligation**
 - **Vital interest of data subject**
 - **Public functions**
 - **Legitimate interests**



Key change – strengthened rights for data subjects



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- **Right to be informed – Privacy Notices**
- **Right of access - subject access rights (30 days, no fee, “manifestly unfounded or excessive”)**
 - **Enhanced rights**
 - **Removal of £10 fee**
 - **Response without “undue delay” and within one month**
- **Right to be forgotten – not absolute**
- **Withdrawal of consent**



Key change – governance and accountability

- **Data Protection Officers**
 - mandatory for public bodies and if processing is core business activity
 - independent, expert and senior
 - DPOs will have additional employment protections
 - Be wary of titles!
- **Data protection by design**
- **Data protection impact assessment**



GDPR Cradle to Grave – recruitment and selection



Recruitment and selection – Application Process

- **Data minimisation**
 - **only ask for information that is necessary**
- **Consent**
 - **Unlikely to be able to rely on blanket consent**
 - **Consent must be “freely given”**
 - **Consent can be withdrawn at any time**
 - **Need to look for processing to be justified on other legally-recognised grounds (see later)**



Recruitment and selection – Application Process

- **Privacy Notices**
 - **Concise / transparent / intelligible / easily accessible and in clear and plain language.**
 - **In writing / electronically (if appropriate) and orally in some cases.**
 - **Must be provided at the time of data collection from either data subject or a third party**



Privacy Notice



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- Your identity and contact details and details of DPO
- Purpose and legal basis for processing and *period that it will be stored*
- *Right to withdraw consent*
- Categories of personal data processed and the source of the data
- Recipients of the personal data and details of any intended transfer outside the Union
- *Individuals rights e.g. right to be forgotten, to make subject access request*
- Details of any automated decision making
- *Whether provision of personal data is a statutory or contractual requirement.*
- *The right to complain to a supervisory authority*



Recruitment and selection – Application Process

- **Access NI: Criminal Record Checks**
- **Document Security**
 - **Pseudonymisation and encryption of personal data**
 - **Ability to ensure on-going confidentiality and resilience of data processing systems**
 - **Demonstrate how you test your security systems and assess how well they are working / identify issues**



Recruitment and selection – Application Process



- **Beginning the employment relationship**
 - **Audit documentation that you currently hold**
 - **Send new (more detailed) Privacy Notice**
- **Retention of documents**
 - **Suggested periods (next slide)**
 - **Consider legal basis for processing data:**
 - **Performance of employment contract**
 - **Compliance with legal obligation**
 - **Protect employers vital interests**
 - **For a task carried out in the public interest**
 - **For the purposes of the legitimate interests of the employer (or third party)**



Retention of records- recruitment



Type of record	Suggested Legal Basis for processing	Statutory or Code of Practice reference	Retention period
Job applications and interview records of unsuccessful candidates	Performance of the employment contract	ICO: Employment Practices Code	A short period, perhaps 6 months after notifying unsuccessful candidates
Fair employment monitoring information from unsuccessful candidates	Compliance with a legal obligation	Fair Employment and Treatment (NI) Order 1998	3 years from the date of receipt of the unsuccessful application
Records to show compliance with the Working Time Regulations (NI) 2016 (including opt-out forms)	Compliance with a legal obligation	Working Time Regulations (Northern Ireland) 2016	Potentially for the length of the employment relationship and appropriate period beyond e.g. 6 months
PAYE records	Performance of the employment contract	Regulation 97 Income Tax Regulations 2003	Not less than three years after the end of the tax year to which they relate



Retention of records

Type of record	Suggested Legal Basis for processing	Statutory or Code of Practice reference	Retention period
Immigration checks	Compliance with a legal obligation	Immigration, Asylum and Nationality Act 2006	Two years after the termination of employment
Criminal records checks and disclosures of criminal records forms	Compliance with a legal obligation	ROA and Information Commissioner's Employment Practices Code Part 1.7.4 and 2.15.3	Delete following recruitment process unless assessed as relevant to ongoing employment relationship. Once the conviction is spent, should be deleted unless an excluded profession.

The background features a light blue gradient with a pattern of binary code (0s and 1s) in a light green color. Overlaid on this are several yellow, five-pointed stars arranged in a circular pattern, reminiscent of the European Union flag.

GDPR Cradle to Grave – managing the employment relationship



Disciplinary / performance

- **The right to be forgotten**
- **Subject access requests**
 - **Enhanced rights**
 - **Removal of £10 fee**
 - **Response without “undue delay” and within one month**
- **Tougher data protection rules – ‘a two way street’**
 - **Removal or misuse of confidential information**
 - **Review of disciplinary policy**
- **Automated decision making**



Managing sickness absence

- **Sickness absence records**
- **Reporting of sickness absence**
- **Occupational Health**
 - **Consent**
 - **Separate Privacy Notice**



Privacy Impact Assessments

- **DPIA must be carried out when processing is likely to result is “high risk to the rights and freedoms of natural persons”**
- **Examples:**
 - **Systematic and extensive evaluation**
 - **Processing on a large scale of special categories**
 - **Systematic monitoring of a publicly accessible area on a large scale.**



Retention of records



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Type of record	Suggested Legal Basis for processing	Statutory or Code of Practice reference	Minimum Retention period
Disciplinary / grievance / performance records	Performance of the employment contract	N/A	At least until the expiry of any warning. Suggest regularly reviewed as part of an audit process.
Sickness records required for the purposes of SSP	Compliance with a legal obligation	Regulation 13, Statutory Sick Pay (General) Regulations 1982	Three years after the end of the tax year in which payments are made
Records in relation to hours worked and payments made to workers	Compliance with a legal obligation	Section 9, National Minimum wage Act 1998. Regulation 38, National Minimum wage Regulations 1999	Three years beginning with the day upon which the pay reference period immediately following that to which they relate ends



GDPR Cradle to Grave – termination and beyond



Termination and beyond

- **Document audit**
 - **Consider what can be destroyed and what should be retained**
- **Employees removing personal data**
 - **Potentially uploading information or using it to compete**
 - **Mandatory reporting to ICO and potentially data subject**
- **Reference requests**
 - **Reason for processing?**
 - **Exit interview / consent**
- **Subject Access Requests**



GDPR Getting Ready - Checklist



GDPR – getting ready

- **Audit employee data currently held by the business – what, where, why?**
- **Determine whether you are required to formally designate a Data Protection Officer.**
- **Review Privacy Notices and Procedures.**
- **Identify the relevant processing condition; document this carefully**
- **Review and update contracts of employment and policies**



GDPR – getting ready

- **Consider and implement procedures for detecting, reporting and investigating breaches**
- **Update procedures for dealing with subject access requests**
- **Consider data protection training for all staff as part of induction and at regular intervals**

Any questions?

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- Northern Ireland's Top Ranked Law Firm in the Chambers and Partners Guide 2017 for the past number of years.
- More areas and partners ranked than our competitors.



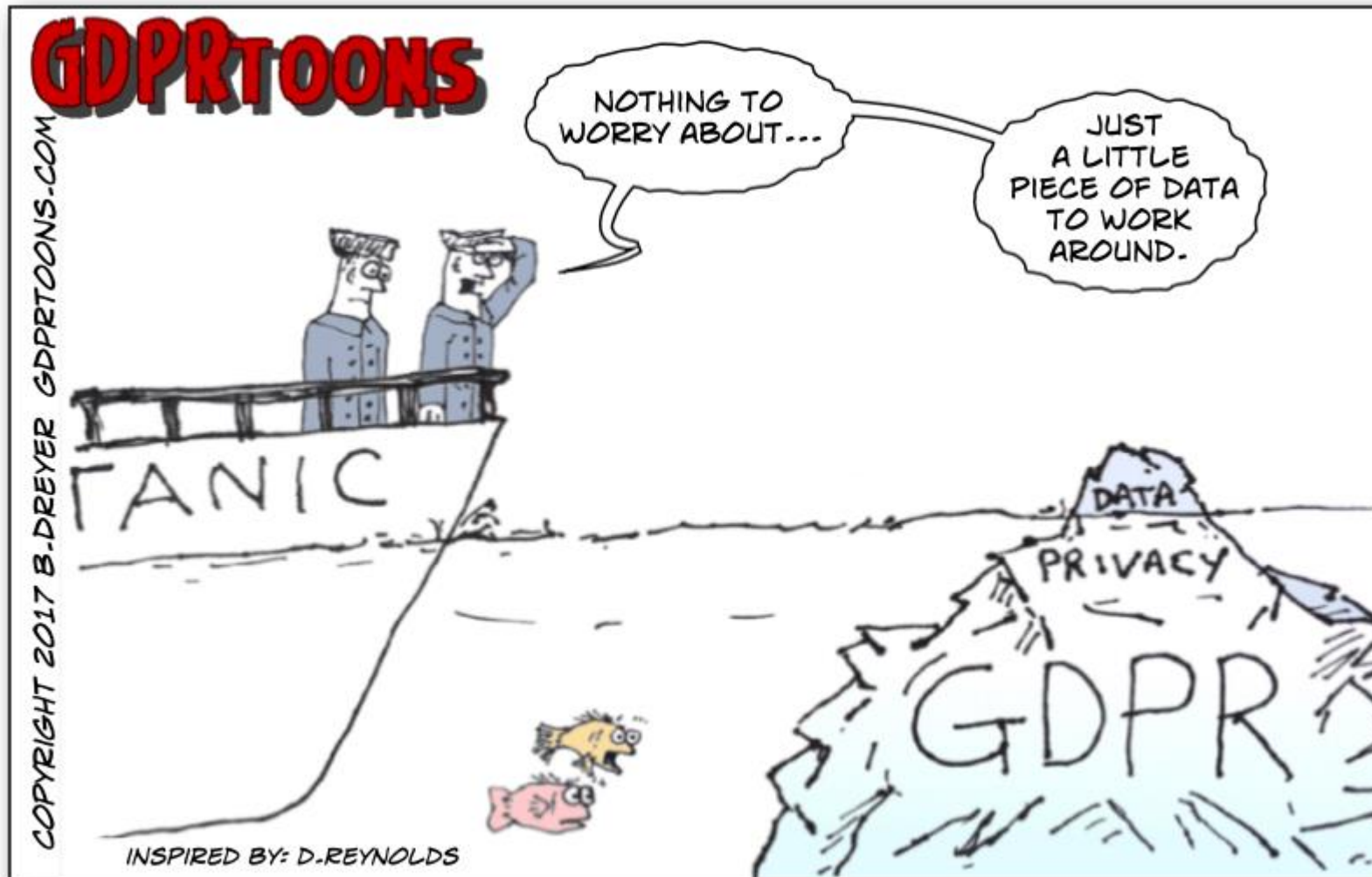
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Closing Remarks & Presentation of Certificates



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