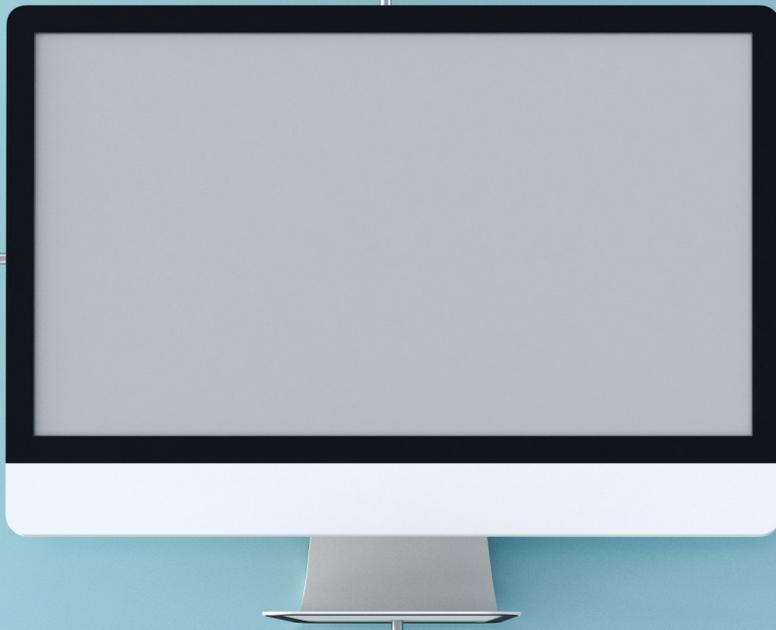
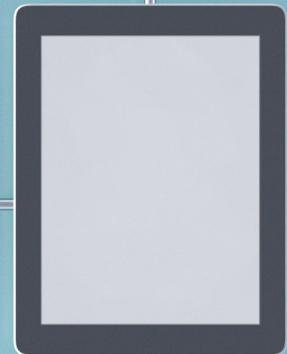


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Data privacy shake up:
is HR ready?



Risk, Resilience
and Reputation

Did you know?

New data protection rules - under the General Data Protection Regulation (**GDPR**) - are coming into force, which will have a significant impact on HR processes and policies. This is more than a few policy tweaks, and requires serious attention. At the same time the enforcement regime is going to be much tougher. In short, the risk profile, including within HR, will increase substantially.



Why should HR get involved at an early stage?

Getting involved at an early stage enables HR teams to shape outcomes which work and are manageable within project timescales. This is not just a matter for compliance or legal teams.

We recommend HR should:

- Understand and get to grips with the legal changes
- Carry out an audit of how HR data is being processed (for example looking at surveillance cameras, time sheets, medical information, psychometric testing), determine the lawful basis for processing different categories of personal data, and assess whether consent is still an appropriate ground
- Update the content of employee data privacy notices
- Review employment contracts, policies and training requirements in light of the new regime
- Introduce or update breach reporting procedures
- Update subject access procedures
- Prepare for enhanced data subject rights such as the right to be forgotten
- Feed into any wider data protection review within an organisation



What is the source of the change in the law?

The GDPR is new European Union law, intended to overhaul and harmonise data protection legislation which has been overtaken in recent times by rapid technological developments and increased cross-border data flow.



How will the system change?

The way that employers process staff data and the current reliance on consent will change significantly. Employees' rights will also increase, as will statutory fines for non-compliance. The changes are complex and will take time to implement. A key change is to ensure that data privacy notices are issued to job applicants and employees.



What is the deadline for compliance?

Employers have until 25 May 2018 to make sure their processing is in conformity with the new regime.

25.05.18

This is EU law – in light of Brexit, why should business take action?

The GDPR will be implemented in the UK by the Data Protection Bill, so it will continue to apply to UK businesses after Brexit. The Bill will implement and supplement, and therefore 'Brexit-proof', the GDPR.



What is the worst that could happen if businesses don't comply?

Ultimately, an employer could be hit with the maximum fine for non-compliance – the higher of 4% of worldwide turnover and €20 million. Under current UK legislation the maximum fine for non-compliance is much lower at £500,000. Breaches of the new rules could also lead to more employment disputes and have a highly detrimental impact on an organisation's reputation.



Next steps and key contacts

Please get in touch with your usual CMS contact to find out more about the GDPR, and for practical help with enabling HR to play a leading role in managing its impact.



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