

From: Newman James (Privacy)
Sent: 16 December 2015 16:29
To: Bevins Richard; Clarke Andrea (Exc); Carter Howard
Subject: Update on progress of the General Data Protection Regulation

Hello all,

Just to keep you up to date on the latest developments with the GDPR (some of which have already been reported in the media), please see below a bulletin I've cut and pasted from our Data Guidance online subscription service. I've previously told Vernon and others that I would circulate an update on this new piece of legislation and the Network Information and Security Directive before the Christmas break, so I am hoping to send that out tomorrow after the vote at the Civil Liberties, Justice and Home Affairs Committee has taken place.

The European Parliament, the European Commission, and the Council of the European Union reached, on 15 December 2015, an agreement on the EU data reform package, which includes the draft General Data Protection Regulation (GDPR) as well as the draft Data Protection Directive with respect to police and justice sectors.

"This is the most significant development in data protection that Europe, possibly the world, has seen over the past 20 years," Phil Lee, Partner at Fieldfisher, told DataGuidance. "Forget Safe Harbor and Right to be Forgotten - this is much, much more significant. The rules that Europe agreed last night will shape the way that businesses throughout the world interact with European consumers for decades to come. Europe has become the flag-bearer for best practice in the treatment of individuals' data. Businesses that get it wrong face substantial fines, potentially up to 4% of global turnover. If data protection had not previously reached the Board before, it is about to now. Fundamentally, the GDPR is about accountability. It's about businesses not only being compliant, but being able to show they are compliant."

What do we know?

According to the European Parliament's and the European Commission's press releases, agreement was reached on a number of provisions, including:

- *Fines of up to 4% of global annual turnover for breach of the new rules;*
- *Small and medium-sized enterprises are exempt from the obligation to appoint a data protection officer insofar as data processing is not their core business activity;*
- *Notifications to data protection authorities (DPAs) are no longer required;*
- *The one-stop-shop principle, meaning businesses will only have to deal with one single DPA; and*
- *A risk-based approach to avoid a 'one-size-fits-all' obligation.*

What's next?

The provisional agreements on the package will be put to a confirmation vote in the European Parliament's Civil Liberties, Justice and Home Affairs Committee, on Thursday 17 December 2015, at 9.30 in Strasbourg. The final texts will then be formally adopted by the European Parliament and the Council of the European Union at the beginning of 2016. The new rules will become applicable two years thereafter.

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