

PROJECT BACKGROUND AND RATIONALE

The political agreement on the EU General Data Protection Regulation (GDPR) has been reached and the new Regulation will be on the books by the end of the first quarter of 2016. Organisations will have a two year period (spring 2016-spring 2018) to assess the impact of the Regulation on their activities, devise and execute implementation strategies and make changes to their business processes, compliance infrastructures and IT systems to reflect the new requirements. The new regime will bring changes not only to organisations, but also to the data protection authorities and how they oversee, supervise and enforce the new rules in Europe.

Some of the immediate impacts of the GDPR relate to its jurisdictional and extraterritorial reach; new requirements concerning privacy impact assessments, privacy by design, pseudonymisation, data breach notification, data processor obligations, organisational accountability and data protection officers, data protection principles, rights of individuals; legal liability, remedies, fines; and the roles and powers of data protection authorities.

Importantly, despite the ambition to harmonise data protection rules across Europe, the GDPR leaves a significant margin of maneuver to Member States in its application. It also gives both the EU Commission and the new European Data Protection Board (EDPB) powers to enact implementing regulations and guidance.

To address these changes, the Centre for Information Policy Leadership (CIPL) is launching a special project in March 2016 – the **CIPL PROJECT ON GDPR IMPLEMENTATION**.

The rationale for the project is the need for a constructive and expert dialogue between industry, regulators and key policy makers, that will inform and build bridges between different stakeholders, help develop consistent and forward thinking interpretations of the new requirements and devise best practices for implementing the requirements. Consistent interpretation, implementation, oversight and enforcement of the new rules across the EU Member States are all critical to the success of the GDPR and the European Single Digital Market Strategy. Finally, the GDPR and the way it which it is implemented will have a significant influence on other countries and regions around the world as they develop their data privacy regimes.

PROJECT OBJECTIVES

The project aims to establish a forum for an expert dialogue between industry representatives, DPAs, the European Data Protection Supervisor (EDPS), the EU Commission, Member States representatives and academic experts through a series of workshops, webinars and white papers with the following specific objectives:

- Informing and advancing **constructive and forward-thinking** interpretations of key GDPR requirements;
- Facilitating **consistency in the interpretation** of the GDPR across the EU;
- Facilitating **consistency in the further implementation** of the GDPR by Member States, EU Commission and EDPB;
- Examining **best practices**, as well as **challenges**, in the implementation of the key GDPR requirements;
- **Sharing industry experiences and views** to benchmark, coordinate and streamline the implementation of new compliance measures; and
- Examining how the new GDPR requirements should be interpreted and implemented to **advance the European Digital Single Market strategy and data-driven innovation**, while protecting the privacy of individuals and respecting the fundamental right to data protection.

PROPOSED PROJECT FOCUS TOPICS

The specific topics to be covered in the project will be ultimately decided by the project Steering Committee, DPAs and other project stakeholders. (See “5 Buckets” on page 3) The proposed topics of focus include application of the law to controllers and processors, main establishment and one-stop-shop (OSS), pseudonymisation, legitimacy (consent, legitimate interest-based processing), further processing for new purposes, “profiling”, risk management, privacy impact assessments, data breach notification, cross-border data transfer mechanisms, demonstrating accountability, privacy seals and certifications, and the new powers, responsibilities and working of DPAs and the EDPB.

PROPOSED PROJECT FOCUS TOPICS "5 BUCKETS"

1. Data Privacy Programmatic Management

- Accountability and its elements under the GDPR for controllers and processors
- Appointment and role of the DPO
- Assessing risk under the GDPR - privacy impact assessments, privacy by design, breach notification
- Evidencing and demonstrating accountability externally
- Privacy seals, certifications, codes of conduct
- Harmonisation and consistent implementation

2. Core Principles and Concepts

- Legitimacy (consent /age of consent, legitimate interest), decisions based on profiling, transparency, purpose limitation, pseudonymisation

3. Individual Rights

- Data portability, new aspects of data erasure and right to object, transparency

4. International Data Transfers

- Adequacy decisions, BCRs, Model Contracts, the new EU-US Privacy Shield, derogations, seals and certifications, Art. 48, interoperability with non-EU mechanisms

5. Relationship with DPAs, Enforcement and Sanctions

- Smart Regulation
- Main establishment, One Stop Shop and relationship with EU DPAs
- Role and powers of the EU DPAs
- Role and powers of the European Data Protection Board
- Consistency procedure
- Sanctions and liability
- Links with EU strategy for Digital Single Market and Smart Regulation

PROJECT PRELIMINARY TIMELINE

January 2016

- Formation of project Steering Committee and discussion with project stakeholders

March 2016

- Official launch of the project

16 March 2016

- Workshop I: *Towards a Successful and Consistent Implementation of the GDPR*
Amsterdam, The Netherlands
**Co-hosted by the Dutch Ministry of Security and Justice*

April 2016

- Formation of initial project priorities subgroups

6 May 2016

- Publication of Workshop I Report

Week of 23 May

- Webinar: *Deep Dive on Risk*

Week of 20 June

- Webinar: *Deep Dive on the Role of the DPO*

Week of 25 July

- Webinar: *Deep Dive on Certification*

July 2016

- Formation of mid-term project priorities subgroups

Spring-Summer 2016

- White paper(s) and written submission(s)

September 2016

- Workshop II: *Paris (TBC)*

Autumn-Winter 2016

- Monthly webinars
- White paper(s) and written submission(s)

January 2017

- Workshop III: *Brussels (TBC)*

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CONTACT US

To learn more about the project and ways to get involved, please contact:

Bojana Bellamy, President

+44 (0)20 7220 5703 | bbellamy@hunton.com

Markus Heyder, Vice President & Senior Policy Counselor

202-419-2005 | mheyder@hunton.com

Richard Thomas, Global Strategy Advisor

Richard.thomas@which.net

Dr. Asma Vranaki, Fellow

avranaki@hunton.com