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ADVOCATES - LEGAL CONSULTANTS



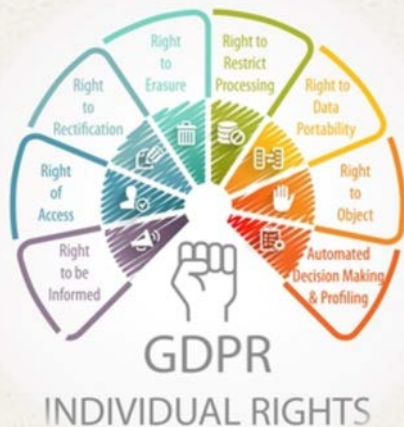
The EU General Data Protection Regulation (GDPR)

EU Data Privacy Laws are changing SIGNIFICANTLY

Fast-approaching deadline for Data Protection compliance for businesses both inside and outside the EU

The EU General Data Protection Regulation (GDPR) takes effect on the **25th of May 2018** and it replaces the previously applicable EU Directive 95/46/EC and the Data Processing of Personal Data Law 138/2001. Due to rapid technological developments and the ever-increasing scale of data processing globally, the GDPR seeks to strengthen the fundamental right of natural persons to the protection of their personal data by increasing its territorial reach and introducing new features to ensure and supervise compliance.

“GDPR protects the fundamental right of natural persons to privacy”



Key features of the GDPR

- Extra-territorial reach
- Enhances the rights of data subjects and allows direct enforcement against the data processor/controller
- Sanction regime: fines up to 20 million or 4% of the worldwide annual turnover
- A “One-stop-shop”: a controller deals only with the supervisory authority of the relevant Member State.
- Active Consent requirements
- Breach notification within 72 hours of becoming aware of the breach
- Data controllers must implement appropriate technical and organisation measures to be able to demonstrate compliance
- Increases the amount of information which should be given to data subjects through the Privacy Notice
- Creates increased administrative burden for nearly all firms that handle personal data

Is the GDPR applicable to my firm?

Yes, if you are processing personal data and you are either

- (a) a controller or processor established in the EU, or
- (b) a controller or processor not established in the EU but
 - processing relates to ‘offering goods/services’ or ‘monitoring behaviour’, or
 - by virtue of public international law, Members States law is applicable.

The definitions of ‘personal data’ and ‘processing’ under the GDPR are broad thus achieving an all-encompassing effect.

“Any company dealing with EU businesses’, residents’ or citizens’ data must comply with the GDPR”

Are non-EU entities affected?

The GDPR has an extra-territorial scope.

Any company dealing with EU businesses’, residents’, or citizens’ data will have to comply with the GDPR. It will affect firms both inside and outside of the EU and even those companies which do not have a European presence. Businesses outside the EU will also need to designate a representative in the EU who will act as a contact point and may be addressed by any Data Protection Authority (DPA).

Compliance obligations

- Institutions established outside the EU processing data of EU citizens must appoint an EU representative
- Appointment of a Data Protection Officer (depending on the type of business)
- Establish internal data protection policies and ensure that the consent obtained from data subjects in relation to processing complies with the new requirements of consent.
- Staff training
- Devise a data breach procedure
- Data breach notification

“Significant changes must be implemented by data processors and controllers to ensure compliance”

Integrated Solutions and Advice

Our firm's specialised and highly-trained team can effectively guide clients through the relevant data protection legislation according to their business needs.

We have the depth of resources to provide integrated and practical advice on privacy-related concerns faced by businesses both in Cyprus and internationally so that they can turn data privacy compliance into a competitive advantage.

For assistance, please contact our team at info@pavlaw.com



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