KEEP CALM AND COMPLY WITH GDPR

By Judy Jordaan BA LLB

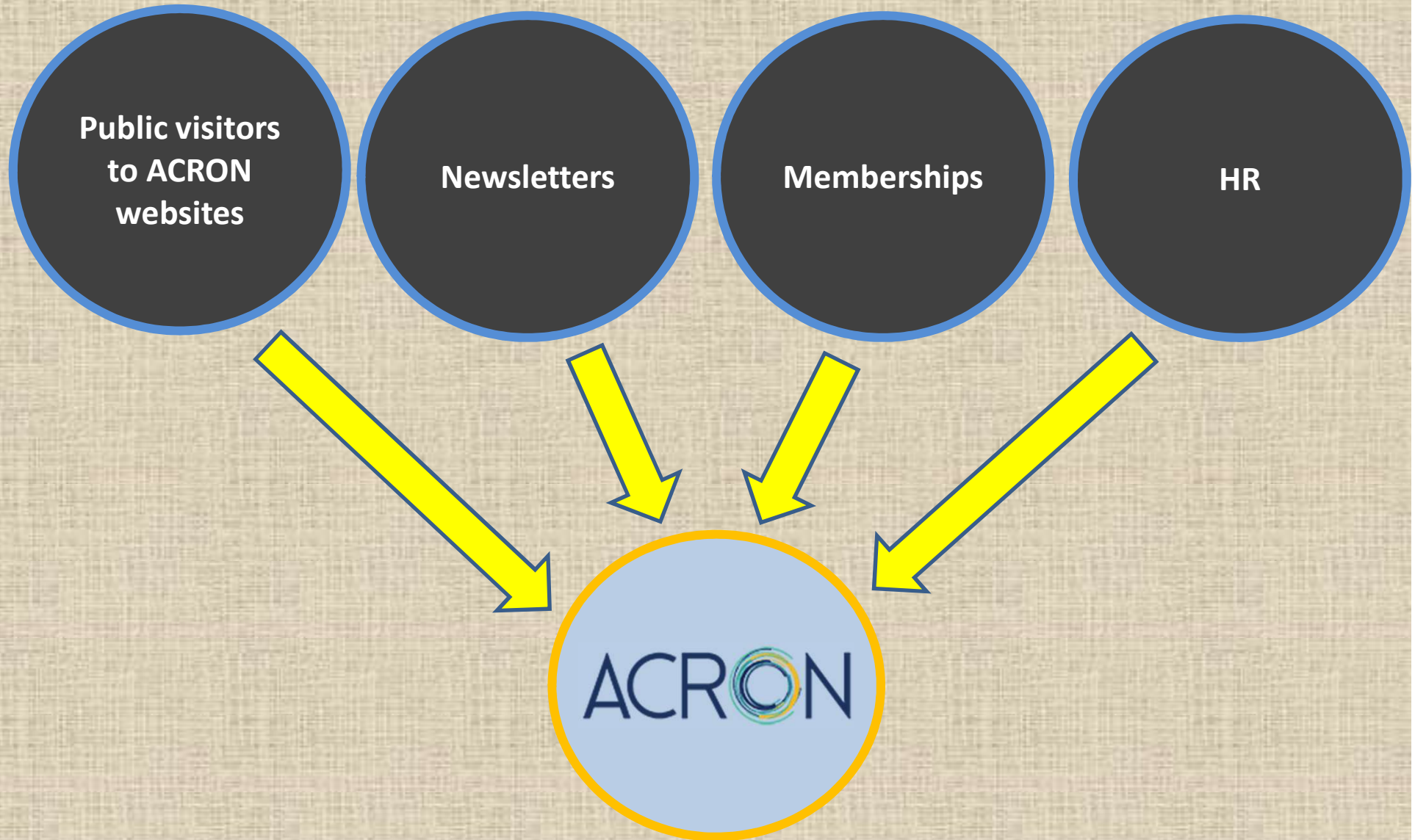# METHODOLOGY
GDPR GAP ANALYSIS

Personal data

Do you process personal data?

➢ Data is personal if it relates to an identified or identifiable individual
  - Name, ID/BNR numbers, physical addresses, online identifiers (like IP addresses or cookies)

➢ One-man-owned entities (ZZPers) are viewed as individuals

➢ Any sensitive personal data?

Processing the data

What do you do with the data?

➢ '**Process**' means

collect, record, organise, structure, store,

adapt, alter, retrieve, use, restrict, disclose,

erase, destroy.

➢ What type of processing organisation are you?

  ➢'**Controller**' determines the purpose of the data and the way in gets processed

  ➢ '**Processor**' only processes on instruction of the Controller

Purpose of Processing

Why are you processing the personal data?

➢ Defining the purpose is the **cornerstone** to establishing whether you are respecting GDPR principles:

❖ Collecting more data than is needed to achieve your purpose
= **Breach** of *data minimisation* principle

❖ Storing data for longer than you need to achieve your purpose
= **Breach** of *storage limitation* principle

Legal basis for Processing

Are you allowed to process the data?

➢ Consent

➢ Performance of a contract

➢ Legitimate interest of Controller

➢ Legal obligation

➢ Protection of vital interests

➢ Public interest

Outsourced Data Processing

Any third party Processors?

➤ If so, are **written** agreements in place?

➤ Any international transfer of data?

   - If yes, adequate protection levels need to be met by ensuring transfer is per Privacy Shield Framework or EU Standard Contractual Clauses

Security of data

What safety measures are in place?

➢ Technical & Organisational security measures taken?

➢ Data Breach Response Plan in place?

➢ Third party processor capable of implementing?

Document findings

Remedial measures required?

➢ **REGISTRY** of Data Processing Activities

- Cornerstone of your Data Protection Strategy
- Action items demonstrate your **continual working towards compliance**
- Reviewed regularly and is constant work in progress

COMPLIANT