The GDPR:
Top 10 Action Points

A&L Goodbody

1 Extra-Territorial Scope

- Consider the extent to which the GDPR applies to you.
- If you are a controller or a processor, and have an establishment in the EU, or are not established in the EU but offer goods or services to or monitor the behaviour of EU-based individuals, you will need to comply with the GDPR and may need to appoint a representative.

2 One Stop Shop

- If you are a controller or processor, consider where your main establishment is and who will be your lead supervisory authority.
- If you are a controller, also consider whether processing decisions are taken in another EU establishment, which has the power to implement those decisions. If so, that decision-making establishment may be considered the main establishment.

3 Data Processors

- If you are a controller, review and revise your data processing contracts to ensure they address the more prescriptive obligations of data processors.
- If you are a processor, consider whether the processing contract clearly sets out the scope of your liability. You will be liable for any harm caused by a breach of the GDPR, to the extent that you have not complied with your contractual and statutory obligations.

4 Accountability

- Keep a record of your data processing activities as you will need to provide it to your supervisory authority, on request, to demonstrate how you comply with the GDPR.
- Consider whether you are carrying out 'high risk' processing. If so, you will need to conduct a Privacy Impact Assessment.
- Consider your data privacy obligations when designing and developing new products and services.

5 Privacy Notices

- Review and revise your privacy notices to meet the increased information rights of individuals.
- Consider the specific statutory ground(s) you rely on to legitimise your processing, and your data retention periods. You will need to supply this information to data subjects in your privacy notices, and supervisory authorities on request.

6 Consent

- Review how you are seeking, obtaining and recording consent and consider whether more explicit consent is needed to meet the requirements of the GDPR.
- Consider whether you can rely on an alternative basis to legitimise your processing.

7 Individuals' Rights

- Review and revise your procedures in order to meet the new and enhanced rights of data subjects, and ensure your staff understand how to respond to access requests.

8 Breach Notification

- Review and revise your data breach management policy to ensure all breaches are reported to your supervisory authority.
- Review and revise your security measures to ensure they are robust enough to meet the requirements of the GDPR.

9 International Data Transfers

- Review your international data transfers and ensure appropriate transfer mechanisms are in place.

10 Sanctions

- Consider your data processing activities and your existing compliance with data protection law.
- Consider what changes need to be made to comply with the new statutory obligations under the GDPR, to avoid the risk of a fine (of up to €20m or 4% of your annual worldwide turnover), or a claim for (pecuniary or non-pecuniary) damages from data subjects if the GDPR is infringed.

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