

What is GDPR and how it affects you?

GDPR is a new binding legislative act that came into force on 25th May 2018, and applies to all companies who collect, store and process any data belonging to EU citizens, regardless of the company's location. It should be noted, that the regulation does not apply to the processing of data by a person for a purely personal or household activity and thus with no connection to a professional or commercial activity.

The GDPR primarily aims to provide people with more control over their personal data and to simplify the regulatory environment for international business by unifying the regulation within the EU. The GDPR is not something businesses can take lightly, as non-compliance with the legislation might result in penalties and fines as high as 20 million euros or 4% of the companies' annual revenue – whichever amount is bigger.

Personal data for the purposes of the law is considered any data in relation to a person who can be directly or indirectly identified in particular by reference to an identifier such as name, phone number and username; but the law also includes information such as IP address or location data. Even tighter rules apply for sensitive personal information such as health data, political opinions, religion and sexual orientation.

It should be stressed that the above rules apply to both data processors and data controllers: a controller is the entity that determines the purposes, conditions and means of the processing of personal data, whereas the processor is an entity which processes personal data on behalf of the controller. It is therefore understood that any 'cloud' services are not exempt from GDPR enforcement.

Under GDPR, data processing is considered unlawful unless certain conditions that are set out in the relevant law apply. Thus, a company can process any personal data only when at least one of the legal basis set out below is satisfied:

1. The data subject has given consent to the processing of his or her personal data for one or more specific purposes;

2. The processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
3. The processing is necessary for compliance with a legal obligation to which the controller is subject;
4. The processing is necessary in order to protect the vital interests of the data subject or of another natural person;
5. The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
6. The processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party - except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

It should be noted that where children wish to use online services, such as downloading of games or music, they will often **need approval** from their **parent or legal guardian**, as these services use the child's personal data. Children will no longer need **parental consent** once they're aged over 16 (in some EU countries this age limit might be as low as 13). Controls to check parental consent have to be effective, for example by using a verification message sent to a parent's email address.

That said, GDPR not only protects individuals by restricting the situations where their data can be processed, but also provides individuals with a set of **rights** for a more controlled and safe processing, whenever it takes place. Therefore, the regulation also acts as a structured guideline for individuals that seek to be more aware and cautious about their exposure in the data processing world.

Please read [here](#) in relation to the new privacy rights under GDPR.

