

VENTURE ADVENTURES

what you need to know to start and grow your business

data protection

What is data protection?

Data protection, or data privacy, is concerned with the protection of individuals' personal data - how it is shared with and used by others. Statutory regulation is not restricted to the internet, but the ease with which large amounts of data can be stored, shared and processed on the internet means data protection is a key issue for any business with an online presence. The 2018 EU General Data Protection Regulation (GDPR) boosted awareness, and set a high (but manageable) bar for compliance. The UK has equivalent legislation. First, terminology:



Why is it important?

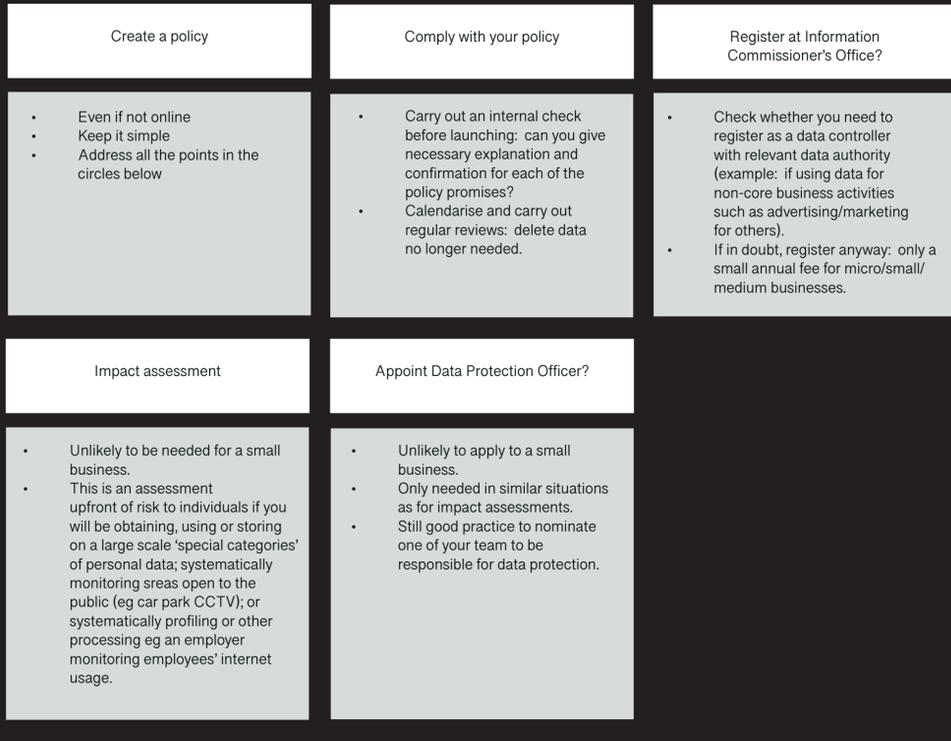
As an individual, an extraordinary amount can be done with your personal data without you even being aware: important to retain control. As a business, whatever your size, there are potentially very serious consequences:

- data breach or other act that affects an individual's rights: fine up to higher of £20M or 4% of your global annual turnover
- administrative non-compliance: fine up to higher of €10M or 2% of global annual turnover
- reputational damage and loss of consumer trust

What are the basic principles?

- lawfulness, fairness and transparency (in how you use personal data)
- purpose limitation (only collect and use for valid, explained purposes)
- data minimisation (only keep data you need for explained purposes)
- accuracy (keep the data accurate and up to date)
- storage limitation (store only for time needed for explained purposes)
- integrity and confidentiality (store the data securely)
- accountability (take responsibility, appropriate measures in place)

What do I need to do to comply?

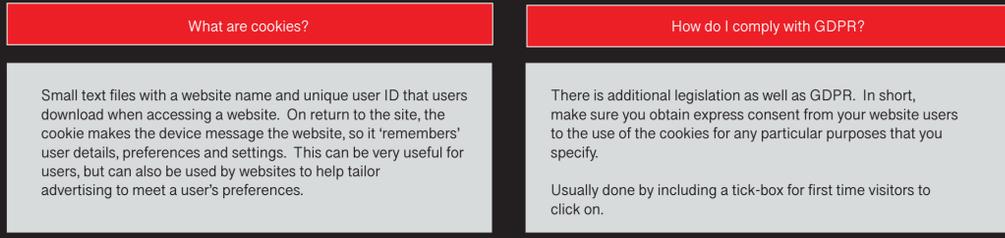


How do I create a data protection policy?

Your data protection policy needs to clearly address all of the issues described below. You should ask a lawyer to assist if you are not comfortable doing this. If you run a shop on an online marketplace, you may have the option of using their suggested standard privacy terms with minimal adaptation. However, you still need to develop your own policy for the business you run offline or via your own website.



What about cookies?



How do I handle subject access requests?

- Any data subject can ask to access, edit or object to particular use of any of their personal data being held or handled by your business, or even to have particular personal data records deleted.
- There is no prescribed form for the request: does not need to be in writing, can be made orally
 - Note that your employees and other staff can make a subject access request
 - You must respond within one month (not much scope to extend).
- Make sure your business has the necessary processes and technology in place to respond

What to do if there's a data breach

A data breach is a breach of security, however caused, leading to accidental/unlawful destruction, loss, alteration, unauthorised disclosure of/access to personal data.

- Put in place reliable breach detection, investigation and internal reporting process.
- If likely to result in risk of affecting individual's rights and freedoms, report to relevant authority (UK: Information Commissioner's Office) within 72 hours.
- If likely to result in high risk of affecting individual's rights and freedoms, inform individual without undue delay.
- Always keep record, even if no need to report.

Also think about

- Cybersecurity: how robust are your security measures?
- Confidentiality • Selling Online • Disputes • Contracts

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To address any specific concern, you should not rely on this content and should seek appropriate advice for the relevant jurisdiction.

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