

CHANGES TO THE EUROPEAN DATAPROTECTION LEGISLATION AND REGULATION

WHAT IS THE EUROPEAN GENERAL DATA PROTECTION ACT?

The European General Data Protection Regulation is an act that represents the most significant change to data protection in the EU since 1995. This act comes as a replacement for the existing Data Protection Directive, created to regulate the progression of personal data within the European Union, which is part of the EU privacy and human rights law. The Directive will see a modern, up to date transformation.

WHY ARE THESE CHANGES COMING INTO EFFECT?

The ambition of the European Union is to create a European Digital Single Market, which can only be achieved by making significant alterations in existing regulation and legislation. It aims to open up digital opportunities for businesses and enhance Europe's position as a world leader in the global economy. The European Commission has branded the completion of the Digital Single Market as one of its top 10 political objectives.

In order to achieve and enhance the Digital Single Market, the aim of the new European Data Protection Regulation is to blend current data protection laws across all EU member states.

It is a "regulation" instead of a "directive" and will be directly mandated to all EU member states without a need for national implementing legislation.

This means it impacts all organisations with operations within the European Union, regardless of their geographical head office or tax residence.

WHEN ARE THESE CHANGES HAPPENING?

The first draft is set for release for early 2016, organisations will have a maximum two year period to prepare and align for the full effect. Given the complexity to align the recommendation is for organisations to take a much more proactive approach sooner, rather than later.

Are you prepared?

"The European General Data Protection Act will bring powers to fine companies that are in violation. The penalties could be up to 5% of the global annual turnover for those organisations found to be negligent, or victim of a cyber breach"

Nick Watts
Deputy Director General of the UK Defence Forum



What is the impact to organisations?

■ Increased penalties and fines

With the new regime many organisation will face significant penalties and fines. Administrative fines are set at a minimum of 2% of global turnover, and potentially up to 5% is being considered. Fines for infractions are grouped into industry tiers, resulting in differing fines related to the activities of the organisation.

■ Breach notification clause could cause reputational damage

Organisations will not be in control, nor have a say to maintain confidentiality over breach notification. This brings uncertainty as to the intangible losses that are presented by a breach making it into the public domain and media.

This has the potential to impact share value, erode client trust, defer business to competitors, reduce employee allegiance and generate embarrassing publicity.

■ Cost of alignment to the new Act

Cost to align is unpredictable. The new Act will extend the reach of the legislation regardless of where an organisation's headquarters or financial bases are. This has the potential to introduce cost and complexity to align to the new Act, in addition of further audits being required. Non-EU organisations may also need to appoint representatives within the EU in order to comply with the new Act. Further to this point, there are considerations that organisations hire data protection officers to make sure the regulations complied to, introducing yet further costs and complexity.

SIGNIFICANT KEY CHANGES

- National data protection authorities will be strengthened so they can better enforce the EU rules at home
- Companies and organisations will have to notify of data breaches within 24 hours
- A single set of rules on data protection, valid across the entire EU, but impacting globally regardless of geographic location
- EU laws will apply to any organisation offering goods or services in the EU or monitor the online behaviour of citizen
- Increased responsibility and accountability for those processing personal data
- A 'right to be forgotten' clause will require personal data to be deleted
- Consent for data processing will have to be given explicitly, rather than be assumed
- Easier access to an individual's own data and the right of data portability
- Easier transfer of personal data from one service provider to another
- Individuals will have the right to refer all cases to their home national data protection authority

GLASSWALL

Create and enforce the known good standards for files containing personal data

Glasswall enables organisations to standardise the format and structure for files that contain the personal information covered under the new regulation. The solution brings the assurance, integrity, and security to mitigate the effects of failure to meet the regulations, in addition to enhanced auditing capabilities for files that contain personal data.

■ ASSURANCE

Glasswall's unique ability to bring non-conforming and non-standard files and documents gives confidence and assurance that the standards unique to the organisation are fully enforced, regardless of whether the file is in motion, or at rest.

■ INTEGRITY

Given the increased responsibilities of storing personal data in unstructured formats and files under new regulation, Glasswall will enable the organisation to bring integrity across the most common files types. This makes it much easier to manage, store, transport and handle the data ensuring the structure is standardised.

■ SECURITY

The significant impact of mishandling the data will extend far beyond just the 5% of global revenues. Security is paramount to prevent the unpredictable and potentially crippling expense of a public breach. Glasswall brings total security to files and documents through the unique regeneration of each file to known good standards and structure. The standards are applied regardless of origin or destination.

■ AUDITING

Glasswall provides both actionable intelligence and the ability to demonstrate to third parties detailed audits, logs and reports based on the various metrics that relate to files and documents containing personal data. This ensures regular audits are achievable in a cost effective manner, and demonstrates a proactive approach to external regulatory authorities.

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By introducing a Standards based approach, Glasswall allows organisations to fully reclaim ownership over the entire file and document estate, the immediate impact being a significant reduction or elimination of receiving a Cyber Breach and facing stiff fines for allowing it to happen.

“Organisations currently unable to apply standards to files and documents face continued pressure to review existing security solutions and technologies, only to find they do not meet today’s cyber security challenges.”

Greg Sim, CEO, Glasswall Solutions

What high level business benefits does Glasswall uniquely offer any business striving to meet the changes to the European Data Protection Act?

■ PROMOTE TRUST

- Make your organisation safer to do business with
- Explicitly trust your supply chain, partners and suppliers
- Promote risk averse attitude to elevate above your competition

■ PROACTIVELY REDUCE RISK

- Reduce cyber risk and mitigate against cyber breaches
- Mitigate reputational damage from targeted attacks
- Reduce information haemorrhage and share value loss

■ PROTECT THE BOTTOM LINE

- Eliminate employee generated liabilities
- Enhance Governance, Risk & Compliance capabilities
- Maintain more profitable ‘business as usual’ operations
- Reduce employee generated liabilities

Senior management look to IT leadership for answers regarding risks and threats that face the business. Glasswall is the only solution available that both mitigates the largest threat vector, and keeps IT and senior management informed with the data they need.

GLASSWALL OVERVIEW

- UK Technology Company with global footprint
- Expertise in File and Document Standardisation
- Fastest growing innovator in file regeneration space
- The only technology company focussed on ‘known good’

SOLUTION OVERVIEW

- Unique solution to eliminate files based cyber-attacks
- Mitigates the risks and threats posed by email attachments
- Highly scalable and easily deployable software
- Suitable for Public and Private Cloud Deployments
- On premises static file software and services
- Individuals will have the right to refer all cases to their home national data protection authority