



Greater Birmingham  
Chambers  
of Commerce



# Briefing Paper

The General Data Protection Regulation  
July 2017

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## What is the General Data Protection Regulation?

The European Union General Data Protection Regulation is directly applicable to all member states of the EU and shall apply as national law from May 2018. It aims to strengthen citizens' fundamental right to data protection and facilitate business by updating and harmonising international data processing laws in the digital single market. How long this will remain UK law post-Brexit is uncertain. In the recent Queen's Speech the Government announced plans to introduce a new digital charter over the next two years, to take effect post-Brexit. However, the General Data Protection Regulation shall certainly be applicable until the UK leaves the EU in March 2019 (at the earliest). It is likely businesses will be required to adopt equivalent or higher standards under the forthcoming UK regime.

As technology becomes increasingly utilised across all sectors, big data and advanced analytics are optimising complex processes and improving - and increasing the scope of - consumer analysis. However, as such, organisations are vulnerable to cyber-attacks, in the form of data breaches and intellectual property crime.

In 2016, the government reported that 24% of all businesses detected one or more cyber security breaches in the previous 12 months. This is substantially higher for medium firms (51%) and large firms (65%). Among the businesses that detected breaches, the estimated average cost of all breaches over the preceding 12 months was £3,480, per business. While the figure is skewed by higher costs to large businesses, qualitative findings from the same report suggest that this may be an underestimation. Click [here](#) for further information on cyber security breaches.

## How will the General Data Protection Regulation affect my business?

Under the new General Data Protection Regulation, data protection errors will be all the more expensive, with non-compliance costing companies up to 4% of annual global revenue in fines. Additionally, the new standards for data protection will increase reputation loss for cyber-security failings.

While many of the regulation's core principles reflect those in the current Data Protection Act, the General Data Protection Regulation significantly modernises the legislative approach, and in doing so introduces new criteria for data protection. Businesses need to immediately begin reviewing how they process and store personal data and implement appropriate measures to protect it. The Information Commissioner's Office has published a document titled '[Preparing for the General Data Protection Regulation \(GDPR\)](#),' listing 12 steps to take now. These can be summarised as:

1. Ensuring awareness in your organisation about the impending change in the law;
2. Documenting personal data you hold, its source and who it is shared with;
3. Reviewing current privacy notices and preparing any necessary changes to these;
4. Ensuring your procedures comply with individuals' rights, particularly regarding deleting and providing personal data;
5. Updating procedures to handle subject access requests within new timescales;
6. Identifying and documenting the legal bases for your data processing;
7. Reviewing how you seek, obtain and record consent;
8. Considering implementing age-verification systems and gathering parental or guardian consent;
9. Checking procedures for detection, reporting and investigating data breaches;
10. Familiarising and implementing Data Protection Impact Assessments (if necessary);
11. Designating a data protection officer, if required, or someone to take responsibility for data protection compliance;
12. If your organisation operates internationally, determining which supervisory authority you fall under.

From May 2018 the General Data Protection Regulation will introduce a number of changes to existing data protection law, including mandatory reporting of breaches to a European Supervisory Authority and the individuals concerned, within strict time scales. Controllers will be required to implement 'data protection by design and default,' including security by default. Individuals will have new rights to a comprehensible copy of any data on them upon request and businesses must be prepared to issue such. Further, individuals will be able to exercise increased rights to be 'forgotten' by organisations and anyone the organisations have shared data on them with. Click [here](#) for more detailed preparation guidance and a comprehensive outline of the key changes the regulation will bring from Chamber Patron Pinsent Masons and [here](#) for guidance from Chamber Patron Squire Patton Boggs.

## What is the Greater Birmingham Chambers of Commerce position on GDPR?

It is vital that businesses are up to speed on these upcoming changes. With Brexit negotiations ongoing, our firms need to be fully aware of the importance of being compliant with EU laws throughout the negotiation period or in this case they could be hit with a hefty fine.

Businesses will be faced with costs and additional administration as they review and improve their processes to ensure compliance with GDPR. We will be making clear to the Government that, post-Brexit, the UK digital charter announced in the Queen's Speech must not add any unnecessary burdens or substantial changes to businesses as they adjust to any new framework.

## How can the Greater Birmingham Chambers of Commerce help?

The Greater Birmingham Chambers of Commerce will continue to keep our members informed on compliance with the General Data Protection Regulation and changes to data protection law in the UK post-Brexit. This will primarily be through briefing papers such as this and ChamberLink Daily News articles (click [here](#) to subscribe), briefing papers such as this and our events.

As referenced above, organisations can click [here](#) to access ICO recommendations on preparing for compliance with the General Data Protection Regulation now, and click [here](#) and [here](#) for further detailed guidance on preparations leading up to May 2018 and what to expect under the General Data Protection Regulation. GBCC members concerned about restructuring data protection procedures in anticipation of the new regulation can access advice through a free legal helpline, a benefit of Chamber membership. Speak to your relationship manager for more details.

The GBCC will be representing the business community's concerns on any issues arising from compliance with GDPR and in future on the anticipated digital charter. We would encourage Businesses in Greater Birmingham to participate in our Quarterly Business Report surveys so we can effectively represent their views. For more information on our Quarterly Business Report click [here](#).

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