

Ladies and Gentlemen,

Firstly I would like to thank you for the invitation to chair this panel of REDA and brief you on how the new EU General Data Protection Regulation 2016/679 (GDPR) relates to the digital age.

The GDPR, which will enter into force in all 28 EU Member States on 25 May 2018, meets the privacy concerns presented by the digital age. The GDPR will replace the Directive 95/46/EC, which has been the basis of European data protection law since it was introduced in 1995.

It creates some new fundamental rights for individuals and strengthens some of the rights that currently exist. This means that individuals will have more control over their personal data in social media and e-commerce sites.

The right to be forgotten entitles individuals, under certain conditions, to request links leading to personal information about them to be removed from search engines.

Furthermore, the right to portability of personal data obliges organisations, upon request of the individuals, to provide them with their personal data in a digital, structured and commonly used format and if it is technically feasible, to transfer the data in another automated system. For instance, individuals will be able to transfer their personal data between service providers such as social networks.

Moreover, the GDPR provides safeguards for individuals against the risk that a potentially negative decision is taken without human intervention. That is, they have the right not to be subject to a decision when it is based on automated processing, including profiling, which produces legal effects concerning them or similarly significantly affects them.

Individuals will also have the right to be informed about a data breach which puts at high risk their rights and freedoms, as for example when their personal data has been hacked.

The new Regulation imposes heavier and stricter obligations on organisations that use new technologies. For example, organisations must notify data breaches to the supervisory authority within 72 hours. Moreover, they shall carry out data protection impact assessment in case that the envisaged processing is likely to result in a high risk to the rights and freedoms of the individuals.

Furthermore, they should respect privacy by design, that is taking privacy into account throughout the processing cycle of personal data and at the time of determination of processing means.

Privacy by default, should also be respected, meaning that organisations shall process personal data exclusively to the extent and for the period necessary to reach the specific purpose. Therefore, organisations should embed data protection principles through innovative methods and technical solutions from the beginning of a new processing.

Social media, providers of online goods and services and other organisations that offer information society services directly to children will need to ensure that, they have obtained the consent or the authorisation of a child's parent or guardian where the child is below the age of 16 years.

Non-EU organisations, when offering their goods or services to customers in the EU, will have to designate a representative in the EU, which will have to comply to the GDPR. This guarantees personal data protection, regardless of where data is stored or transferred, including outside the EU, as it is often the case on the internet.

An attack or incident in an organisation that results in a huge data loss could cause immeasurable damage to its reputation and therefore put it out of business. The GDPR, arms DPAs with quite stringent enforcement powers. In certain cases, imposed administrative fines may be up to 20 million Euros or, in the case of an undertaking, up to 4% of the total worldwide annual turnover of the previous financial year, whichever is higher.

Customers will continue to demand innovative technologies that improve their lives, while at the same time expecting even greater respect for their privacy.

I am convinced that the new data protection regulation will strengthen citizen's fundamental rights in the digital age and organisations will properly implement it so as to detect, minimise and, if possible eliminate, all potential cyber risks and threats in the digital market.

I'm sure that we will all have a fruitful session.

Irene Loizidou Nicolaidou
Commissioner for Personal Data Protection

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