

Data Protection Regulations/Internal Processes/Documentation

January 2016

Under the Data Protection Regulation, data controllers and, in the case of certain requirements, data processors are required to implement internal processes which are designed to mitigate the risks associated with data processing activities, and to document those processes in a specific manner. The following is a list of actions/steps that may need to be taken in order to adhere to the new requirements:

- Are the policies governing your organisation's internal data protection processes:
 - concise, transparent and clear?
 - easily accessible?
 - **If the answer to this question is "no" you will need to re-examine the structure and content of your policies and ensure they are easily accessible to the relevant individuals.**
- Do you monitor your data processing activities (including the nature of the personal data being processed, the nature of the processing and the purpose of the processing) to ensure that the personal data you process still needs to be stored and that the processing is being carried out in accordance with applicable law?
- Do you have a documented description of your organisation's data processing activities setting out what data is collected and what is used for, details of third party recipients of data as well as transfers outside of Europe?
 - **Consider auditing data processing activities to create a "data processing operations manual".**
- A general data protection policy will be required to set out compliance responsibilities. Specific policies for specific areas (e.g. HR) are also likely to be required.
 - **Data Retention Policy should be created to determine the appropriate retention periods for data which is processed for different purposes**
- Do you monitor your data processing activities to ensure that time limits for erasure of personal data are observed?
 - **Time limits for the erasure of personal data should be listed within the Data Retention Policy to signal that the relevant data is due to be destroyed.**
 - **Procedures for the erasure of such data should be formulated and outlined within the Data Retention Policy (e.g. method of destruction of data, how long the process will take etc.) to ensure that no issues arise in keeping to these time limits.**
- Does the likelihood of "high risk" apply to the personal data processing carried out by your organisation (having regard to the risky scenarios set out in the Regulation) / have you carried out corresponding impact assessments (and have you planned to carry these out on a regular basis in the future)?

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- If the answer is "no" and (particularly) if your business is susceptible to result in "high risk" for the freedoms of individuals, a suitable risk assessment should be undertaken to mitigate the risks and potential liability for a breach / not undertaking risk assessments under the Data Protection Regulation.
- It may be sensible to have a standard privacy impact assessment form and process.

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