



New EU General Data Protection Regulation: we can help you get ready!



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Our Compliance Package

The General Data Protection Regulation (GDPR) adopted on 27 April 2016 sets out a new EU data protection framework. The GDPR will replace the current Directive and will be directly applicable on 25 May 2018 in all Member States without the need for implementing national legislation.

The GDPR contains new obligations for companies which will have to manage their data processing a different way to become compliant with this new data protection landscape. Many of those obligations will require time and assistance to prepare.

In order to get ready, companies will have to **Know** their obligations and understand the changes introduced by the GDPR, to **Identify** where they are in terms of compliance and what they need to do and to **Design** and implement solutions and processes.

K Know	I Identify	D Design
<ul style="list-style-type: none">• What is the GDPR?• Do I fall within its scope?• What are the changes to the current legislation?• What are my new obligations?	<ul style="list-style-type: none">• Which data do I collect?• Do I transfer this data? Where?• Who is in charge?• Do I have the necessary processes in place?• Am I ready?	<ul style="list-style-type: none">• What solutions do I need to design?• What measures do I have to implement to comply with the GDPR?

We can assist you with each of those steps



KNOW

Our Technologies & IP department can provide companies with the necessary specific knowledge they need to have before taking any steps in the framework of the GDPR.

We can:

- Provide information regarding the scope / main points of attention / obligations of the GDPR and practical guidelines
- Assist companies in order to identify whether they fall within the scope of the GDPR and whether the Luxembourg Data Protection Authority is their lead authority
- Provide internal training / presentations to raise awareness within the company and provide the persons involved in the processing of personal data with the necessary knowledge
- Provide information regarding any related aspects such as electronic archiving



IDENTIFY

Our data protection specialists can assist companies in order to identify what their current level of compliance is in terms of data protection. This entails creating a clear map / inventory of the internal and external data flows of the companies.

We can:

- Provide data inventory questionnaires for each department (HR, IT, finance, etc.) to assist companies collecting information on the type of data collected to include the purpose, the basis for its legitimacy, the potential transfers or not, existing data processors, the type of IT tools used, existing security measures, existing processes for potential breaches, etc.
- Help identify key persons within the company who will be in charge of assisting internally with this project
- Check the existence of formalities (notifications / requests of authorization) made by the company before the Luxembourg Data Protection Authority
- Assist with the creation of a data inventory of the collected information
- Perform a risk-based analysis*
- Analyze whether a data privacy assessment is necessary*
- Help define a timeframe, a scope and a budget for this phase and assist in the general management of the project

* With the assistance of selected services providers specialized in such technical stages



DESIGN AND IMPLEMENT

Based on the results of the Identification phase, our Technologies & IP lawyers may help companies design and implement solutions and measures in order to become GDPR proof.

We can:

- Identify whether the appointment of a Data Protection Officer is necessary or not
- Draft or complete internal and external privacy policies / data protection clauses within employment contracts / Internal Regulations / consent forms to make them compliant
- Check existing agreements or draft / negotiate new agreements :
 - ✓ Data processing agreements with third-party providers
 - ✓ Data transfer agreements with third-parties or intragroup
- Analyze whether the implementation of Binding Corporate Rules (BCR) would be a good solution for companies with an important intragroup data transfer flow and assist with such implementation
- Help companies implement data breach notification processes :
 - ✓ Develop an internal breach register and an incident management procedure
 - ✓ Develop an external notification process
- Assist with the implementation of new and adapted security measures*
- Assist with the creation of a data protection register and the implementation of archiving processes*
- Help define a timeframe, a scope and a budget for this phase and assist in the general management of the project

* With the assistance of selected services providers specialized in such technical stages



Our Technologies & IP team

MNKS has been one of the first law firms on the Luxembourg market to launch a dedicated practice addressing questions in relation to new technologies, data protection and intellectual property. Our Technologies & IP team was launched more than 10 years ago and is still one of the very few teams in Luxembourg that is fully dedicated to this area of law.

It is composed of specialized and experienced practitioners, who combine specific legal knowledge with expertise in technical aspects of the IP/IT sector, so that it ensures the provision of added-value advice to companies active in the technology sector, as well as to any other company, which regards new technologies as an essential asset.

Privacy and data protection is one of our major practice areas within the Technologies & IP department. We handle numerous requests on a daily basis, assisting many multinational companies and the most prestigious international law firms when it comes to providing local advice in Luxembourg.

We have in depth experience in ensuring compliance with the requirements of data protection law, assisting our clients with administrative formalities, and supporting them in a comprehensive and business efficient way in this area.

The members of our team have regular contact with the Luxembourg Data Protection Authority, which allows them to find pragmatic solutions in order to comply with the legal requirements.

We have an impressive track record implementing strategies, systems and procedures relating to personal data processing and advising on the transfer of personal data from/to Luxembourg.

Issues in this practice area are often at the crossroads between IT and employment law (e.g. surveillance at the workplace, Internet and e-mail policies). MNKS' strength is to have both IT and employment as top ranked teams.

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