

A recent development in privacy law in Europe

In 2016 the European Union, which includes most of the countries of western and eastern Europe, adopted the General Data Protection Regulation. This rule came into effect in the spring of 2018.

The rule:

1. Defines “personal data” as any information related to a natural person (as opposed to an organization or corporation) that can be used to directly or indirectly identify that person. It can be anything from a name, a photo, an email address, bank details, posts on social networking websites, medical information, or even a computer IP address.
2. Requires companies collecting and/or processing such data to obtain affirmative consent from the individuals whose data is being collected. (This consent must be ‘opt in’ not ‘opt out’.)
3. Requires notifications about data collection to be in plain, concise, easily understood language.
4. Requires companies to provide copies of data that they collect or process to the subjects of that data on request.
5. Provides a form of the so-called “right to be forgotten” – a right that your data be erased when no longer needed or relevant or simply on request.
6. Provides individuals with a right not to be “subject to a decision based solely on automated processing, including profiling” unless the decision procedure is specifically authorized by legislation of a member state and provided with safeguards. Examples of things forbidden by this provision: automated loan approval/rejection; speeding tickets based on camera detection and issued automatically.
7. Provides individuals with a “right to object” to any data processing undertaken for direct marketing purposes, in which case the data processing must cease.