

NON-EU FIRMS NEEDS CONTINUITY ON EU DATA AFTER GDPR

After the introduction of the General Data Protection Regulation, Companies based outside EU are facing a tricky challenge: Appoint or not an EU Representative.

According to Art. 27 of the GDPR, EC intends to increase data protection authorities powers to get in touch (and sanction) foreign companies.

The GDPR includes number of legal requirements, including privacy notice, data subject rights and breach notification, to name a few. Fines for infringements set out in Article 83 constitutes a real risk for business: non-compliance could lead to fines up to 4% of annual global turnover.

WHO HAS TO COMPLY?

Companies which process personal data that are related to persons who are in the EU if they process such data relating to the monitoring of such persons' behaviour or relating to the offering of goods or services directly to data subjects in the EU. It does not matter whether the company charges for such goods or services. Controllers and processors are covered.

WHAT ROLE DOES THE REPRESENTATIVE HAVE?

The representative has several role: It shall be identified in privacy notices, can be addressed in addition/instead of the non-EU based company, in particular, with respect to communications with supervisory authorities and data subjects, on all issues related to data processing, for the purposes of ensuring compliance with the GDPR, it shall maintain records of processing activities and "cooperate" with the supervisory authority pursuant to Art. 31 on request.

WHOM CAN COMPANIES DESIGNATE AS REPRESENTATIVE?

Companies can appoint individuals or other companies. The representative can reside or be established anywhere in the EU where relevant data subjects reside;

HOW DESIGNATE?

Companies can effectuate the designation with a separate services agreement.

YOUR EU REPRESENTATIVE SERVICE

DPOCC will provide to extra-EU Organization with a representative service strictly designed on the obligations sets out by the GDPR with Art.27:

- ➔ Representing Controller/Processor on respective GDPR obligations
- ➔ Maintaining a record of processing activities;
- ➔ Cooperating with the data protection supervisory authority

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