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# A quick introduction to the GDPR

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## roadmap today

### 0. Toto Intelligent You-RINAL

### 1. The Players:

- data-subject
- controller
- processor



### 2. The Playingfield

- 2.1 processing personal data
- 2.2 exemptions

### 3. The Rules of the Game

- 3.1 lawful processing
- 3.2 special data
- 3.3 international transfers

## 1. THE PLAYERS

### data subject

an identified or identifiable natural person



art. 4(1)  
GDPR

### controller

the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data



art. 4(7)  
GDPR

### processor

means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller



art. 4(8)  
GDPR

### supervisory authority (SA) or data protection authority (DPA)

an independent public authority which is established by a Member State



art. 4(21)  
GDPR



## 2. PLAYINGFIELD: material scope

The General Data Protection Regulation applies to the **processing of personal data** wholly or partly by automated means

art. 2(1)  
GDPR

any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means such as:

- collection, recording
- organisation, structuring, storage
- adaptation or alteration, retrieval
- consultation, use, disclosure by transmission
- dissemination or otherwise making available
- alignment or combination
- restriction, erasure or destruction
- etc.

art. 4(2)  
GDPR

any information relating to an identified or identifiable natural person

art. 4(1)  
GDPR

To determine whether a natural person is identifiable, account should be taken of all the means reasonably likely to be used, such as singling out, either by the controller or by another person to identify the natural person directly or indirectly.

recital 26  
GDPR

To ascertain whether means are reasonably likely to be used to identify the natural person, account should be taken of all objective factors, such as the costs of and the amount of time required for identification, taking into consideration the available technology at the time of the processing and technological developments.

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## 2. PLAYINGFIELD: exemptions

art. 2(2)  
GDPR

The General Data Protection Regulation does not apply to the processing of personal data

- in the course of an activity which falls outside the scope of Union law;
- by the Member States when carrying out activities which fall within the scope of Chapter 2 of Title V of the TEU;
- by a natural person in the course of a purely personal or household activity;
- by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.

national security

recital 16  
GDPR

common foreign and security policy of the Union

e.g. correspondence and the holding of addresses, or social networking and online activity undertaken within the context of such activities.

recital 18  
GDPR

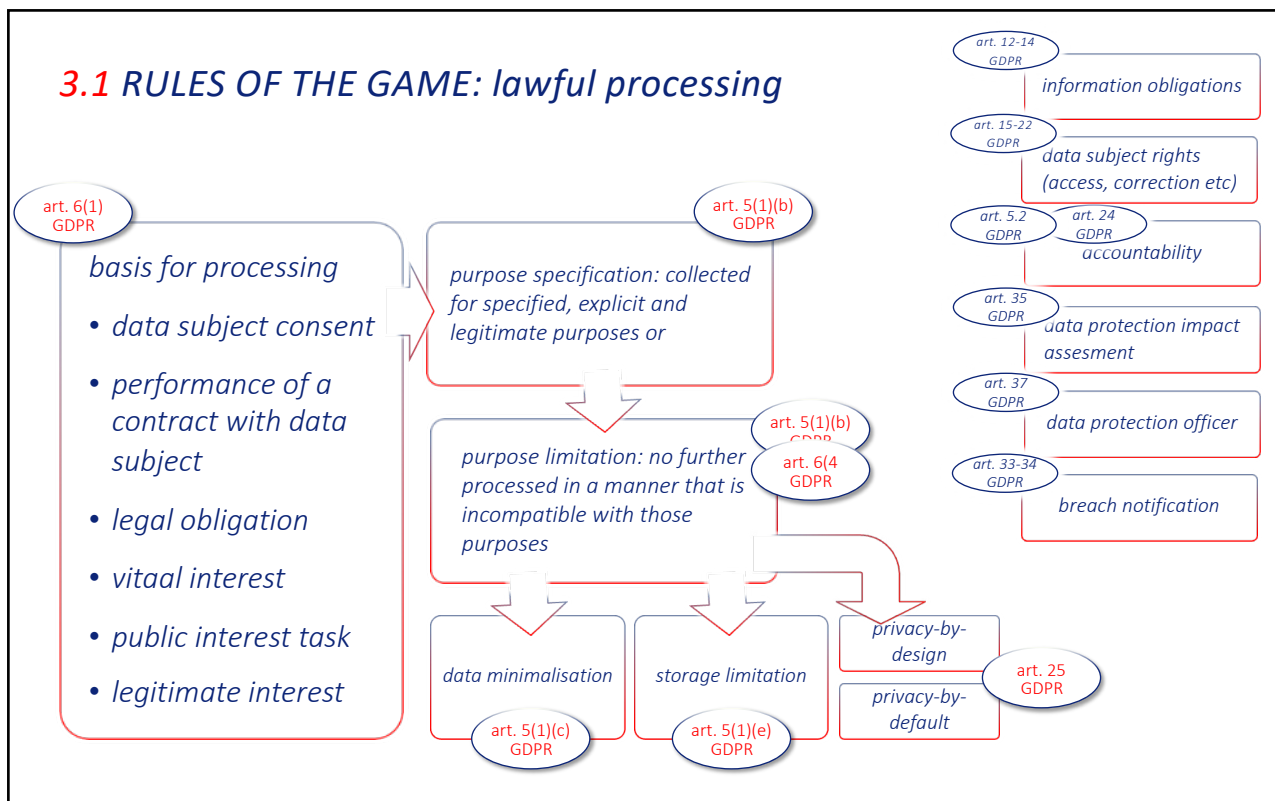
covered by the Law Enforcement Directive 2016/680

recital 19  
GDPR

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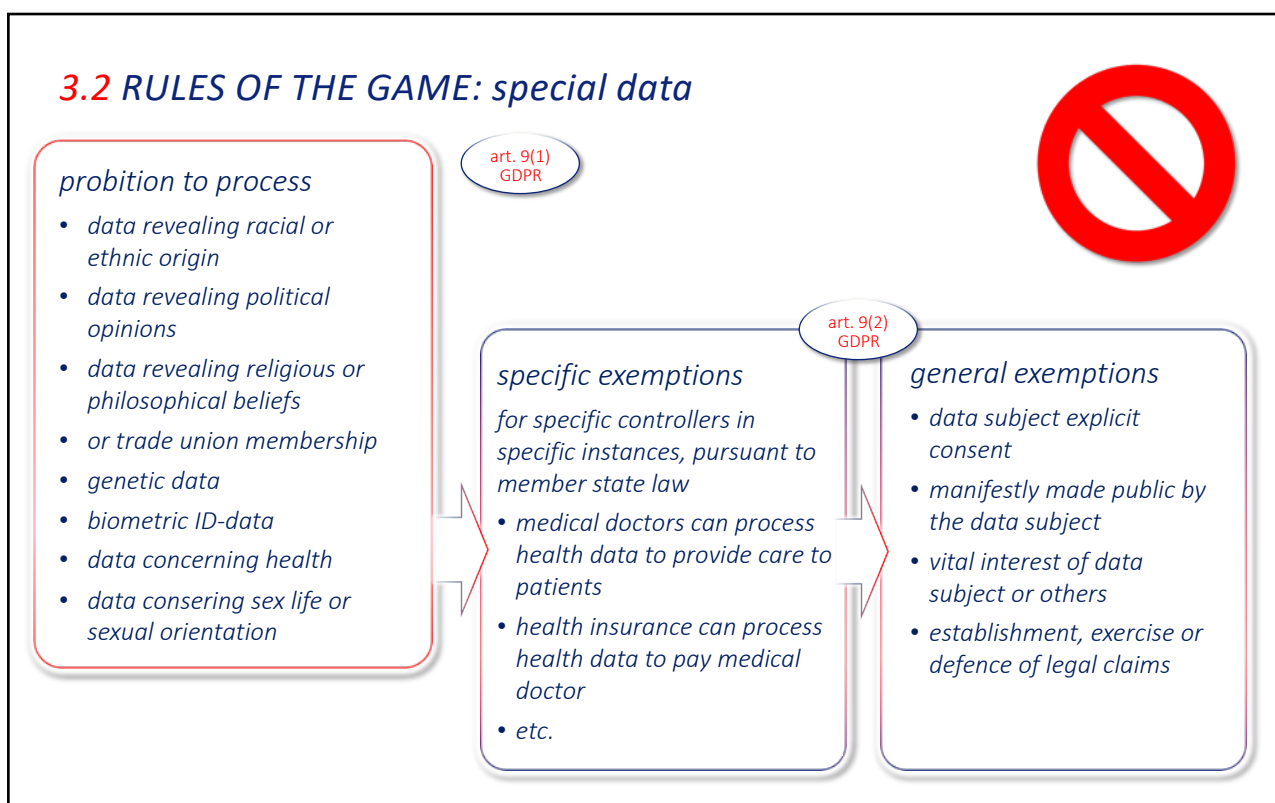


### 3.1 RULES OF THE GAME: lawful processing



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### 3.2 RULES OF THE GAME: special data



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### 3.3 RULES OF THE GAME: international transfers forbidden

Personal data ~~only to be transferred~~ to **third countries** with an adequate level of protection

i.e. countries outside the EU and European Economic Area (EEA)

- Iceland
- Liechtenstein
- Norway

EC Adequacy Decisions

- Andorra
- Argentina
- Canada (business)
- Faroe Islands
- Guernsey

- Isle of Man
- Israel
- Japan
- Jersey
- New Zealand

- Uruguay
- United Kingdom
- ~~VS Privacyshield~~
- Zuid Korea
- Switzerland

Schrems II



art. 44 GDPR

art. 45 GDPR

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### 3.3 RULES OF THE GAME: exemptions to transfer prohibition

art. 46 GDPR

art. 47 GDPR

art. 48 GDPR

appropriate safeguards

- standard contractual clauses (SCC's)
- binding corporate rules (BCR's)
- codes of conduct
- certification

derogations for specific situations

- data subject explicit consent
- performance of a contract
- important reasons of public interest
- establishment, exercise or defence of legal claims
- vital interest of data subject or others
- public registers



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*THANK YOU*

*QUESTIONS?*

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