



# How Businesses Should Cope with the New General Data Protection Regulation

Matija Jamnik, Senior Legal Consultant &  
Partner

JK GROUP LTD.

[matija.jamnik@jkgroup.si](mailto:matija.jamnik@jkgroup.si)

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# Single Use Throughout the Union



- **Regulation instead of directive (direct applicability)**
- **Shall apply to non-EU companies**
  - offering of goods or services to individuals in the Union OR
  - monitoring of their behaviour (e.g. web analytics)
- **Effective sanctions:**
  - up to 100 million EUR or up to 5 % of the annual worldwide turnover, whichever is greater

# Right to be Forgotten and to Erasure



- **Applies to any data, with special attention being paid to personal data which are made available while the individual was a child**
  - **Controller's duty to inform third parties which are processing such data, that the individual requests them to erase any links to, or copy or replication of that personal data**
  - **Absolute ban on the processing of such data after the erasure**

# Right to be Forgotten and to Erasure



- **De facto already implemented by ECJ judgment of May 13, 2014 (Google co. Agencia Española de Protección de Datos)**
  - **Indexing by a search engine = personal data processing**
  - **the operator of a search engine is obliged to remove from the list of results displayed following a search made on the basis of a person's name links to web pages, published by third parties and containing information relating to that person, also in a case where that name or information is not erased beforehand or simultaneously from those web pages, and even, as the case may be, when its publication in itself on those pages is lawful**

# Right to Data Portability

- **Between „automated processing systems“**
- **Under the condition that personal data are processed by electronic means and in a structured and commonly used format**
  - **The Commission may (and will probably have to) specify the “structured and commonly used format” and the technical standards, modalities and procedures for the transmission of personal data**

# Designation of the Data Protection Officer

- **Applies to:**
  - **All public authorities/bodies**
  - **Companies employing 250 persons or more**
- **Employment-based or service contract-based**
- **Should possess expert knowledge of data protection law and practices**
- **Direct reporting to the company management**

The background of the slide features a light blue gradient with a faint, semi-transparent image of classical architectural columns on the left side. The columns are white with detailed capitals and fluted shafts. The entire slide is framed by a thin brown border.

# Challenge me with your questions!

★ Can't think of any? No problem. Just send an e-mail to

[matija.jamnik@jkgroup.si](mailto:matija.jamnik@jkgroup.si)

when you do.