

EXECUTIVE SUMMARY

In this eFile we focus on the international trend recognising proper data governance and data itself as an asset that readily contributes to the ongoing success of business entities.

Data – the new “gold” – protect it, keep it private!

While international economies and businesses are conducting business in an ever more data-driven environment, data has emerged as a valuable asset. Data needs to be managed properly and with severe fines being levied by data supervisory authorities, this asset can quickly turn into a severe drain on company resources if it's not managed correctly.

The extensive access to, and widespread use of technology, has meant that increasing amounts of personal information are being processed by organisations. Governments globally are increasingly focusing on data protection and privacy and consumers are now more well-informed about their data rights than ever before.

Various data privacy regulations prescribe different obligations and duties when dealing with data and the vast majority of business entities are still not aware of the different roles and responsibilities they have, or they have simply not recognised the importance of proper data protection management in their daily operations.

As a result of the ever-increasing emphasis on proper data management and data privacy security, organisations require experts who can understand local and global regulations and offer guidance in designing, implementing, and monitoring data policies. Harty Rushmere offers the expertise to advise on measures to minimise the financial, legal, and reputational risks associated with data management. This would include:

- advising on international and domestic data protection laws and regulations, such as the Protection of Personal Information Act (PoPI) and the General Data Protection Regulation (GDPR) - more specifically what data is subject to these legal provisions and the responsibilities / rights of data subjects, data controllers and data processors;
- compliance advice. The Irish Data Protection Commission recently fined Meta 390 million euros for not clearly outlining its legal basis for personal data processing to users of its services. Although the decision is under appeal, it does highlight the seriousness with which supervisory authorities view data controllers' and processors compliance with their obligations;
- advising on the rights of all parties involved (data controllers and processors and data subjects) and including providing opinions relating to data controller obligations to provide information about data processing to data subjects when requested to do so;
- advising on options available to data controllers for international transfers of data, including the appropriate safeguards and derogations, if required;
- advising on compliance requirements for processing personal data in practice;
- advising on data security measures and specifications for providing notification of data breaches to regulatory / supervisory authorities; and
- finally, advising on data protection management systems, data protection impact assessments as well as formulating and implementing data protection policies.

If required, Harty Rushmere is able to act as outsourced Data Protection Officer (“DPO”), which will minimise the daily management onus on a business entity, enabling it to focus on its core business strategy and focus areas.

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