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STUDIO DI CONSULENZA

Consulenza normativa, legislativa e di Direzione

G.D.P.R.

General Data Protection Regulatory
Regulation (UE) 2016/679

WHITE PAPER

GDPR – general overview

Introduction.

In the current economic system, where information is extensive and globalized, the security and privacy of personal data have become matters of primary importance. In response to this growing concern, the European Union has introduced the General Data Protection Regulation (GDPR), also known as Regulation (EU) 2016/679. This regulation represents a fundamental turning point in the way organizations handle personal data, ensuring greater transparency, control, and accountability in the processing of such information.

Key Aspect.

One of the central elements of the GDPR is its extraterritorial scope; in fact, it applies to any organization that processes personal data of individuals within the European Union, regardless of their global location. This regulation places significant emphasis on informed consent and the concepts of privacy by design and privacy by default. Furthermore, the GDPR establishes stringent rules for data breach notifications, obligating organizations to inform competent authorities and individuals within 72 hours of discovering a breach.

Conclusions.

The General Data Protection Regulation represents a significant milestone in promoting data privacy and security. With its focus on transparency, consent, and accountability, the GDPR aims to reestablish trust between organizations and individuals, demonstrating that the protection of personal data is a crucial priority. Businesses of all sizes are called to comply with the provisions of the GDPR, investing in data protection and the implementation of practices that respect user privacy. Ultimately, the GDPR marks a bold step towards a safer and more privacy-respecting world, where individuals' rights are at the core of business.



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GDPR – application

Scope of Application

The GDPR applies to all companies that process personal data. Therefore, it involves all businesses which, for the conduct of their activities, handle various personal data.

Effective Date

The GDPR is enforced in all European Union member states from May 25, 2018.

Territoriality

The GDPR applies to all Organizations processing data of residents within the EU, even if these organizations are located outside the EU.



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GDPR – penalties

Criminal Penalties *.

Criminal penalties are provided for, including in Legislative Decree No. 101/18 (articles 167, 167-bis, 167-ter, 168, 170, and 171). The duration is proportionate to the nature of the committed offense.

Administrative Penalties.

Administrative fines are formally divided into 2 scenarios: €10,000,000 and €20,000,000, or 2% or 4% of the total turnover, if this exceeds the maximum value of the fine. There is no minimum fine value; it is up to the Authority to determine it, applying the principles of effectiveness, proportionality, and dissuasiveness. In this case, the fines are smaller but are typically in the tens of thousands of euros.

Disqualifying Penalties *.

Disqualifying penalties can be imposed in cases where data breaches constitute a computer crime, as defined by Article 24-bis of Legislative Decree No. 231/01 and the related articles referenced by the Penal Code.

**The legislative references mentioned in the paragraphs apply to Italy. Other European countries have their own national legislations that impose criminal and disqualifying penalties. The administrative penalties are the same in all EU countries.*



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GDPR – what we can do

What we can do for our clients.

We can prepare all the system documentation in accordance with legal provisions.

Upon request, we provide ongoing assistance, updating the documentation systems with subsequent changes and additions that normally occur, or with changes in the characteristics of business processes.

We offer, upon request, Data Protection Officer (DPO) services or support to your DPO.



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GDPR – what we can do

How we do it.

Our goal is to shield the client against as many potential adverse events as possible that could impact the relevant legal framework. To achieve this, our client must have procedural tools that cover a wide range of scenarios, therefore our documentation systems have the following features:

- Comprehensive and extensive documentation
- Ease of understanding of procedures or protocols
- Steps compliant with relevant literature
- Up-to-date with the latest legal amendments in force
- Compliant with UNI 43.2:2018 standards



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GDPR – what we can do

Our Ongoing Assistance.

We understand that legislative provisions, especially in the business context, are subject to continuous changes, modifications, and additions. That's why we offer ongoing assistance, conducting regular documentation updates in response to legislative or other related changes.

Additionally, upon request, we also conduct documentation audits to assess any gaps between the activities the company should be carrying out and what it is actually doing. This, of course, aligns with the relevant legislative requirements.

We recognize the importance of aligning documentation with current regulations, as neglecting this aspect could lead to inadequate documentation and subsequent penalties. This understanding prompts our clients to renew their trust in us over time.

Upon request, we also perform DPO activities or provide assistance to the DPO.



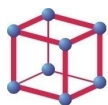
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