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# European Privacy Tool

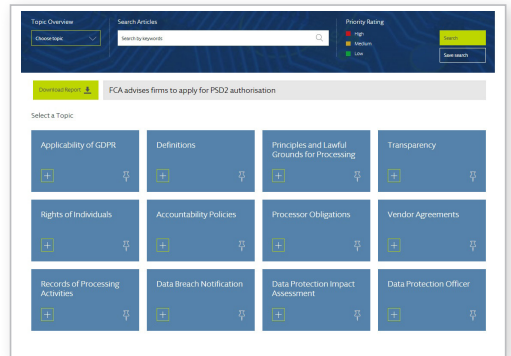
2018

# European Privacy Tool

Our user-friendly, digital service combines the insight of our industry-leading lawyers with interactive technology to offer a one-stop data protection solution.

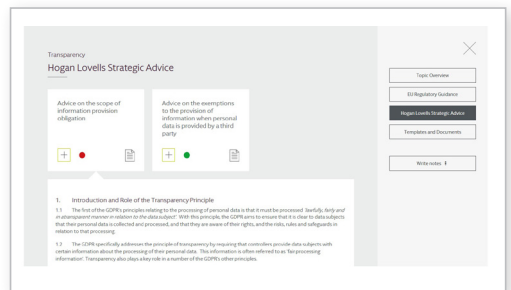
## Understand

Quickly focus on relevant GDPR legal provisions and regulatory guidance using our bespoke search functions.



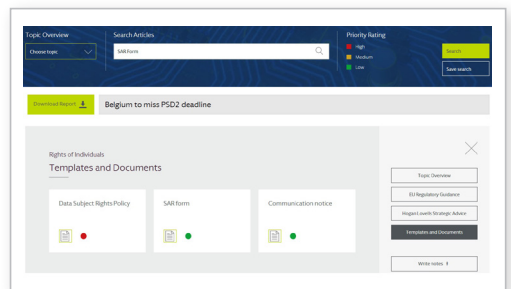
## Analyse

Access strategic analysis and insight from Hogan Lovells that is practical and realistic, helping you meet your obligations.



## Execute

Generate your own bespoke compliance and policy documents from our high-quality templates, ensuring they reflect your needs.



# Who's it for?

The European Privacy tool is aimed at in-house lawyers, legal teams or compliance professionals working for organisations that are affected by the GDPR.

## Key benefits



### Save time

The tool's user-led experience is designed to help you quickly focus on key topics and provisions.



### Value for money

All the GDPR legal provisions and guidance are available for free and our premium content pricing is tailored to your business and your needs.



### Customisation

Download and customise templates and documents to help meet your GDPR obligations.



### Context

All European legal requirements are referenced and explained, while a traffic light system helps identify what to focus on next.



### Legal excellence

Our teams advised on the drafting of the GDPR; now you can access our insight in a practical and workable way.



### Tracking and reporting

Create reading lists and write notes on items of interest, helping you track compliance with specific aspects of the GDPR.



# What's included?

All the GDPR legal provisions and recitals are available for free. Our premium content includes strategic advice and templates that you can customise for your needs:

## Topic – Applicability of the GDPR

### Strategic advice

- The territorial scope of application of the GDPR
- Whether a business activity amounts to processing of personal data

## Topic – Definitions

### Strategic advice

The meaning and scope of:

- Personal data
- Profiling
- Pseudonymisation
- Controller/processor
- Consent
- Personal data breach
- Biometric data
- Data concerning health
- Main establishment
- Group of undertakings
- Cross-border processing





## Topic – Principles and lawful grounds for processing

### Strategic advice

- The meaning and scope of each of the seven principles
- The most suitable ground for processing
- The conditions for valid consent and how to obtain consent in practice
- The validity of ‘implied consent’
- Status of age (i.e. 13 v. 16) at which parental consent is required across Member States
- The conditions for valid parental consent and how to obtain such consent in practice
- The scope of the conditions for lawful processing of criminal data

### Templates and documents

- Consent form for special categories of data
- Consent wording for direct marketing
- Consent wording for cookies

## Topic – Transparency

### Strategic advice

- The scope of information provision obligation
- The exemptions to the provision of information when personal data is provided by a third party

### Templates and documents

- Privacy notice
- Employee privacy notice
- Cookie notice

# What's included?

## Topic – Right of individuals

### Strategic advice

- The scope of subject access request right
- The scope of right to rectification
- The scope of right to erasure
- The scope of right to restriction of processing
- The scope of obligation to notify third parties
- The scope of data portability right
- Practical operation of data portability right
- The scope of right to object to processing
- The scope of right to opt-out of direct marketing
- The scope of right regarding automated decision-making
- The scope of national restrictions to data subject rights

### Templates and documents

- Data subject rights policy
- SAR form
- Communication notice



## Topic – Accountability policies

### Strategic advice

- The scope of GDPR compliance policy framework
- Practical implementation of data protection by design and data protection by default
- Designation of EU representative

## Topic – Vendor agreements

### Strategic advice

- The scope of data protection contractual requirements

### Templates and documents

Joint controllership agreement

GDPR compliance policy frameworks:

- Privacy governance structure
- General data protection policy
- Internet acceptable use policy
- Whistleblowing policy
- Data subject rights policy
- Data retention and deletion policy
- Data security policy
- Vendor management policy
- Data incident response plan
- Data protection impact assessment policy
- DPA cooperation procedure
- Training and awareness policy

### Templates and documents

- Vendor due diligence questionnaire
- Data processing agreement: Controller-friendly (long)
- Data processing agreement: Controller-friendly (short)
- Data processing agreement: Vendor-friendly (long)
- Data processing agreement: Vendor-friendly (short)
- Data processing addendum and covering letter
- Sub-processing agreement

# What's included?

## Topic – Records of processing activities

### Strategic advice

- The scope of obligation regarding records of processing activities

### Templates and documents

- Template table of processing activities

## Topic – Data breach notification

### Strategic advice

- The scope of data breach notification obligation applicable to controllers
- The scope of data breach notification obligation applicable to processors

### Templates and documents

- Data incident response plan

## Topic – Data protection impact

### Strategic advice

- The scope of requirement and methodology for DPIA

### Templates and documents

- DPIA questionnaire
- DPIA template report
- DPIA guidelines

## Topic – Data Protection Officer

### Strategic advice

- The role of the Data Protection Officer

### Templates and documents

- Data Protection Officer job description



## Topic – International data transfers

### Strategic advice

- Table of adequate countries for international data transfers
- Suitable mechanisms to legitimise international data transfers
- BCR viability, adoption, approval and implementation
- Privacy Shield viability, adoption and implementation
- CBPR viability, adoption and implementation
- Standard contractual clauses viability
- Validity of request for transfer from third country
- Validity and scope of derogations

## Topic – Supervision and Enforcement

### Strategic advice

- How to determine lead supervisory authority
- The role of ICO as lead supervisory authority post-Brexit
- Calculation of potential fine based on global turnover of undertaking

### Templates and documents

- Controller to controller data transfer agreement
- Controller to processor data transfer agreement
- Omnibus intra-group data transfer agreement
- Controller BCR Policy
- Processor BCR Policy



## Who's behind it?

All the strategic advice, templates and documents in the tool are written by members of our global Privacy and Cybersecurity practice under the direction of:



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As co-director of the global Privacy and Cybersecurity practice of Hogan Lovells, Eduardo Ustaran is internationally recognised in privacy and data protection law. He is a dually qualified English Solicitor and Spanish Abogado based in London. Eduardo is also the author of *The Future of Privacy* (DataGuidance, 2013), a groundbreaking book where he anticipates the key elements that organisations and privacy professionals will need to tackle to comply with the regulatory framework of the future. Eduardo advises some of the world's leading companies on the adoption of global privacy strategies and is closely involved in the development of the new EU data protection framework. He has been named by *Revolution* magazine as one of the 40 most influential people in the growth of the digital sector in the UK, and is ranked as a leading privacy and internet lawyer by prestigious international directories.



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