

Findings for the the new EU Data protection act, being implemented 2018

This document is only a guide line on Cention's interpretation of the new act and should only be used as one source for input. We follow this subject thoroughly hence Cention will make sure to comply from a technical prospective. All other things stated in this document is only our interpretation of information from different sources such as EUR-Lex and the Swedish Datainspektionen.

This document will cover the basics in changes verses PUL (Swedish law in place today).

The largest change is that the exception called "ostrukturerad data" (unstructured data) will disappear and the new regulation will include all collection of personal data and automated processes of personal data. This means that Cention customers within Sweden will have to investigate how this will impact their usage and handling of personal data.

What do you as a customer need to do?

Cention follows the international concept "Privacy by design" and secures that your data is stored according to the regulations.

As a customer you will need to investigate how this change might impact your business and your processes for handling personal data. For example, the new regulations put more responsibility on the function in charge for the company's personal data collection.

One of the things to look into is the enhanced requirements for the registered persons' rights.

The new act heavily enforces that the responsible function within your company or organization can show that the act is being followed.

For instance, it is being advised that you either put an efficient policy for data protection and handling of personal data in place (we will give example of what this needs to contain below) or document how you collect personal data and how you deliver this (not covered in this document).

It is of essence that you inform the person that you collect data from, for what purpose and how long you will save the data. The information needs to contain your company/organization identity and how a person can file a complaint to the responsible authority, in Sweden it will still be Datainspektionen, if the person feels that their personal data has not been handled correctly by you.

The guidance from the authority is that the information above should be:

- Short
- Easy to understand
- Clear and by using "simple language"

From Cention's interpretation, this should be possible to do by informing that you are collecting personal data and what it is used for. This is provided that we see that most of our customers can claim that the legal ground for your collection of personal data is "Balance of interest"

For customer service, the purpose of gathering data is to provide a better service. Do not forget to State how long you will be holding the data and to inform the rights the individual has (see below "Rights for persons that you are collecting data from").

These are the main things that your policy page needs to cover:

- *Definition of why you save personal data in order to help and serve the individual more efficient*
- *What data you save (for example, Name, Address, Phone number, Email address, Social Media user information).*
- *That the data is saved as long as the individual is a customer and XX (not recommended to excide 24) amount of months after they are no longer defined as a customer (or the timeframe you wish to save the data for existing customers).*
- *When a customer contact your customer service data will be collected to help the customer better in future contacts.*
- *Who you might share the data with (normally will state law enforcement agencies and if you have any partner that you do share this data with. Using Cention does not mean that we share the data, it is yours and we do never access your data without you telling us to do so, for example for support reasons, exports or deletion of specific data).*
- *The responsible entity for Personal data, i.e. your company/organization Name, registration number and ways to contact you in regards to Personal data.*
- *How to contact you to correct any data that might be wrong.*
- *How an individual can request what information you have stored about them. (New for this act is that if the request is done electronically, you should be able to answer electronically).*
- *How to “opt-out” from any marketing using this data.*
- *How to transfer your data about an individual to a third party up on request from the individual. (New as this is not covered in current act).*
- *Cookies, information about it*

The rights for persons that you are collecting personal data from

(This part is very much alike the existing PUL requirements but pay attention to the data portability that is new. All the information below might not be applicable to you).

Most important rights are:

- Be able to gain access to their own personal data that is registered
- Be able to get any data that is wrong corrected
- Be able to get their personal data deleted
- Be able to say No to marketing based on their data
- Be able to say No to automated decisions and profiling based on collected data
- Be able to move the personal data to other systems (data portability)

What do Cention support?

Cention already comply from a technical point of view as we have adopted “Privacy by design” throughout our software.

In addition, we help you to comply by having tools for clearing (delete) data that exceeds the timeframe you have chosen to communicate. We also provide services for helping you to identify and remove any personal data that an individual might request to be removed.