

# The New Data Protection Laws

## What they mean for you

Isle of Man Information Commissioner

April 2018



Data protection laws are evolving in response to the ever increasing use of technology and the threats posed to individuals by such processing.

On 25 May 2018, new data protection laws come into full force throughout the European Union and other jurisdictions including the Isle of Man. These laws will give you greater control over your personal data by providing additional and more clearly defined rights and also impose new obligations upon businesses and organisations that process your personal data.

Personal data is any information that can identify you. The definition of personal data is wide and includes for example a name, an ID number, location data, IP address, information relating to your health, biometric and genetic data.

The new laws require high standards to be met when your personal data is processed. An important new obligation is that businesses must be transparent and explain, in clear and concise language, why and how they will use and safeguard your personal data.

Where a business relies upon consent to process your data then this must also be clearly explained.

### PRINCIPLES

Businesses and organisations must comply with six principles when processing personal data:-

1. **Lawfulness, fairness and transparency** - processed lawfully, fairly and in a transparent manner
2. **Purpose limitation** - collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
3. **Data minimisation** - adequate, relevant and limited to what is necessary
4. **Accuracy** - accurate and, where necessary, kept up to date
5. **Storage limitation** - kept in a form which permits identification for no longer than is necessary
6. **Integrity and confidentiality** - processed in a manner that ensures appropriate security

## **RIGHTS**

Rights have been strengthened and in most cases are now free to exercise. You have the right to :-

- obtain details about how your personal data is processed;
- obtain copies of the personal data held about you;
- have incorrect or incomplete personal data corrected;
- have your personal data erased, where, for example, there is no legitimate reason for retaining that data;
- object to the processing of your personal data in certain circumstances;
- not to be subject to automated decision making or profiling, with some exceptions;
- require your personal data to be transmitted to another organisation; and
- to seek compensation via the Courts.

## **WHAT SHOULD YOU EXPECT?**

In the near future, businesses and organisations that process your personal data in the Isle of Man, the UK or anywhere else in the European Union, may contact you to explain why they process your data, who they share that data with, how long they will keep your data and, in some cases, seek confirmation from you that you are happy for them to continue processing your data. This is due to the new transparency obligations.

## **SANCTIONS, FINES ETC.**

For organisations and businesses who breach the law, the Information Commissioner will have powers to impose a range of sanctions including the power to ban processing and impose fines up to €20 million (or 4% of total global turnover) for the most serious infringements.

## **FURTHER GUIDANCE**

More information about the new laws are available from the Information Commissioner's website at [www.inforights.im](http://www.inforights.im)

Specific guidance issued under current law will be updated as soon as possible