

From alpha testing to the deployment of a new data-driven business model: a practical walkthrough of GDPR challenges

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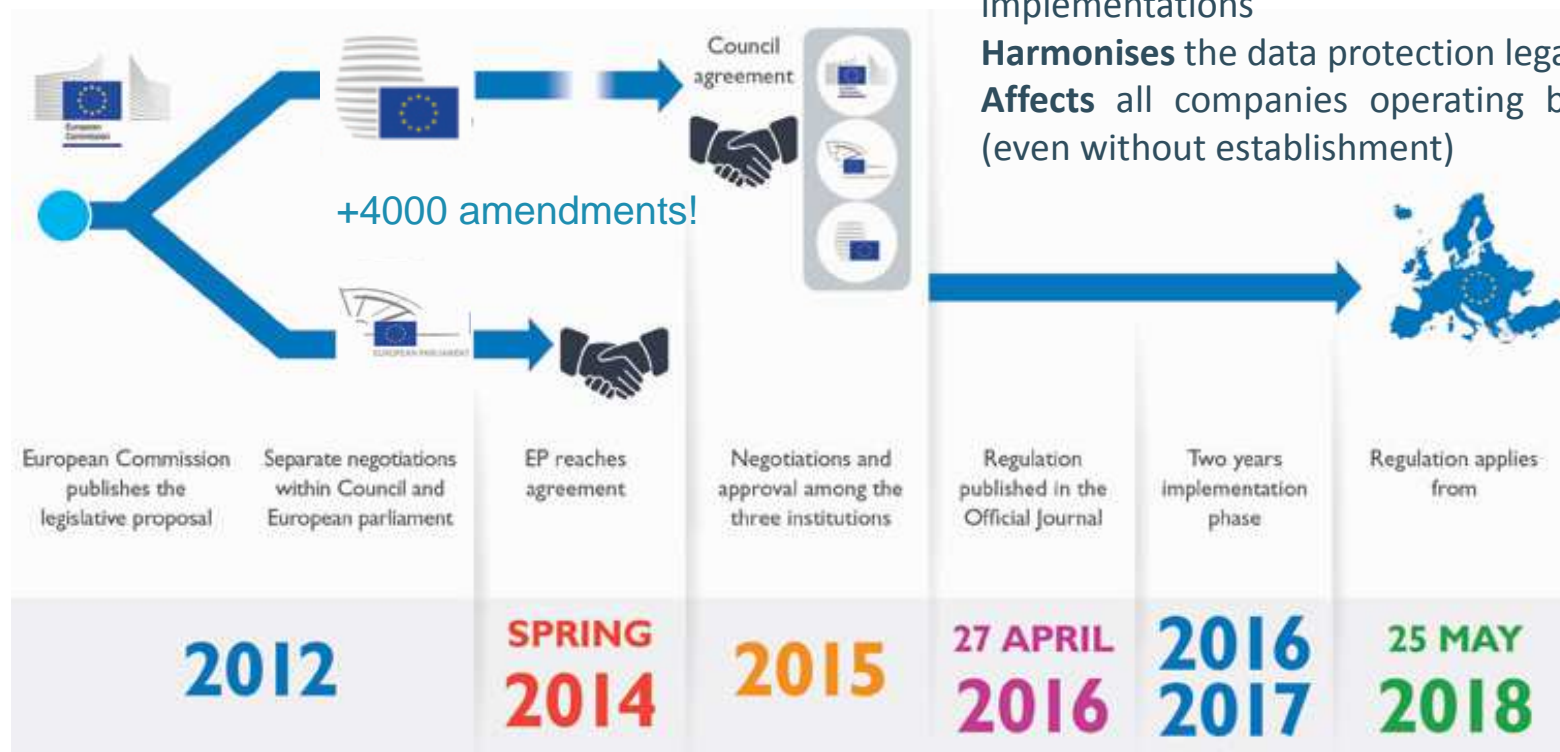
TF 5 Policy and Societal
TF 7 SG 2 Telecom

General Data Protection Regulation

Replaces EU Directive 1995/46/EC + national implementations

Harmonises the data protection legal framework

Affects all companies operating business within the EU (even without establishment)



Source: [DLA Piper](#)

Scientific/statistical research regime(s)

Call for action:

- Scope of GDPR/national research regimes
- Guidelines on necessary safeguards, codes of conduct, development methods,...
- New criteria for the use of data in research
- Accountability obligations in research

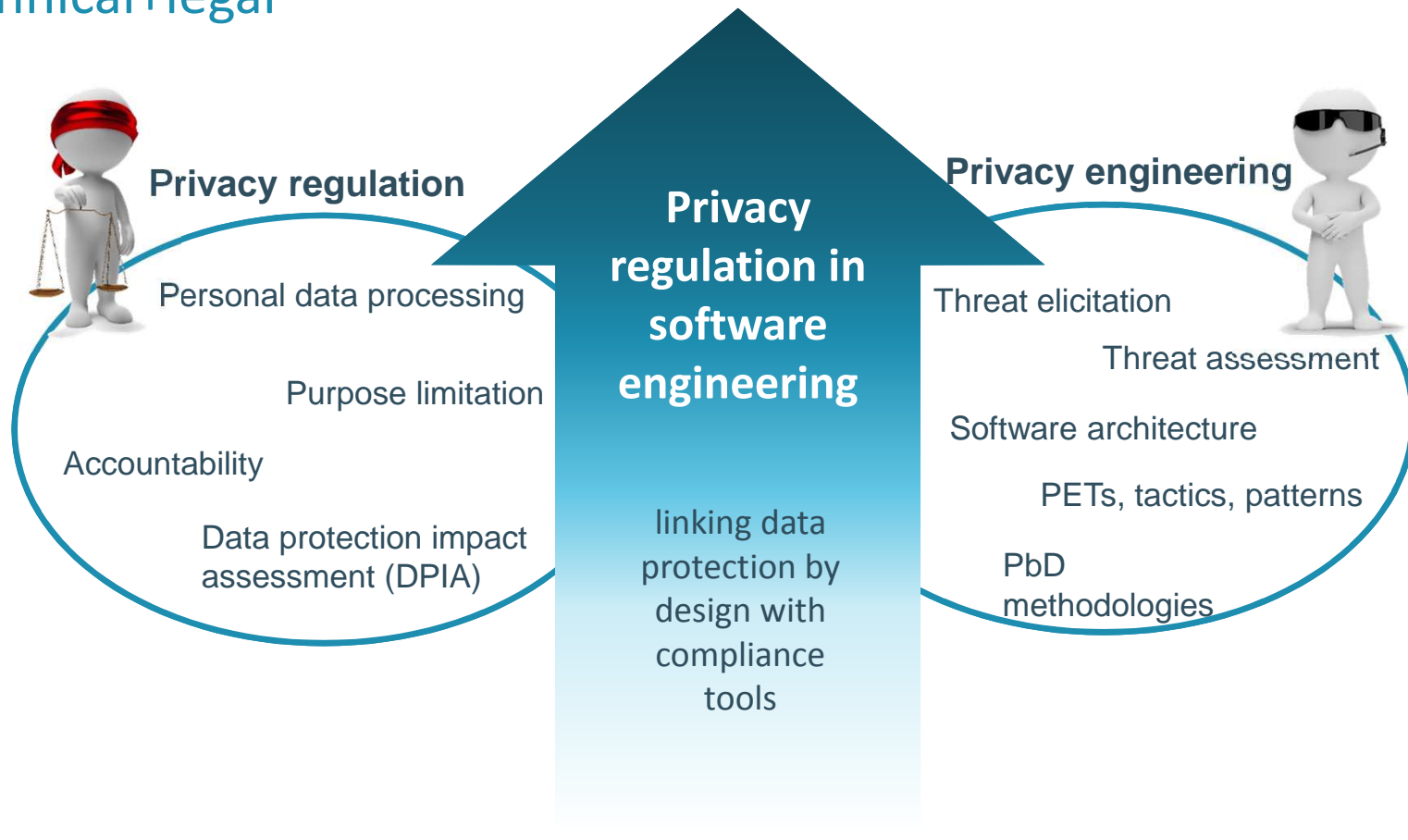


Rec. 159: “ (...) the processing of personal data for scientific research purposes should be interpreted in a **broad manner** including for example technological development and demonstration, fundamental research, applied research and privately funded research. (...) it should also include studies conducted in the public interest in the area of public health”.

Art. 89, §1: “Processing for (...) scientific (...) research purposes (...) shall be subject to **appropriate safeguards**, in accordance with this Regulation, for the rights and freedoms of the data subject. Those safeguards shall ensure that **technical and organisational** measures are in place in particular in order to ensure respect for the principle of data minimisation. Those measures may include pseudonymisation provided that those purposes can be fulfilled in that manner. Where those purposes can be fulfilled by further processing which does not permit or no longer permits the identification of data subjects, those purposes shall be fulfilled in that manner”.

Art 89, §2: “Where personal data are processed for scientific (...) research purposes (...), **Union or Member State law** may provide for **derogations from the rights** referred to in Articles 15, 16, 18 and 21 subject to the conditions and safeguards referred to in paragraph 1 of this Article in so far as such rights are likely to render impossible or seriously impair the achievement of the specific purposes, and such derogations are necessary for the fulfilment of those purposes”.

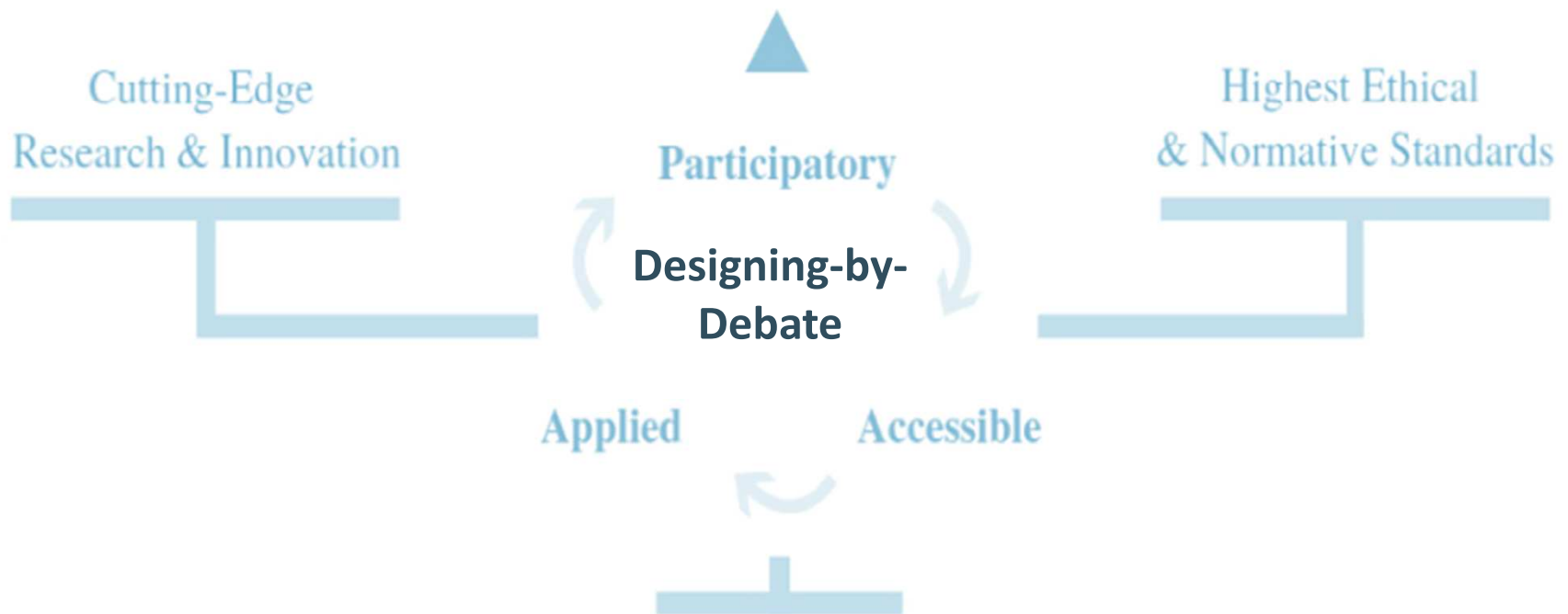
Software development lifecycle: Data protection by design: technical+legal



RRI approach: technical+legal+societal

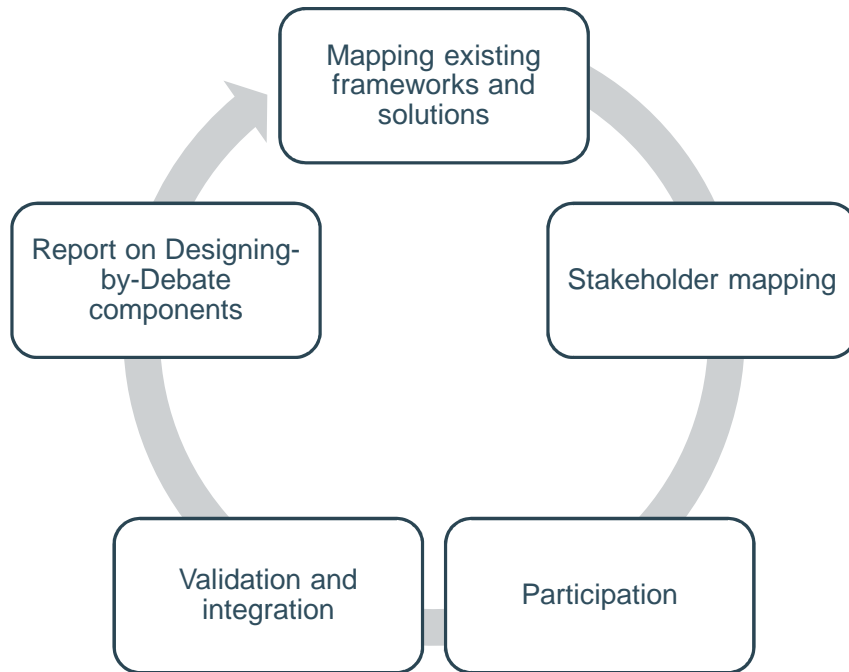


Responsible Research & Innovation



Designing-by-Debate

DbD Cycle



DbD Components – DbD lite



Decision tree



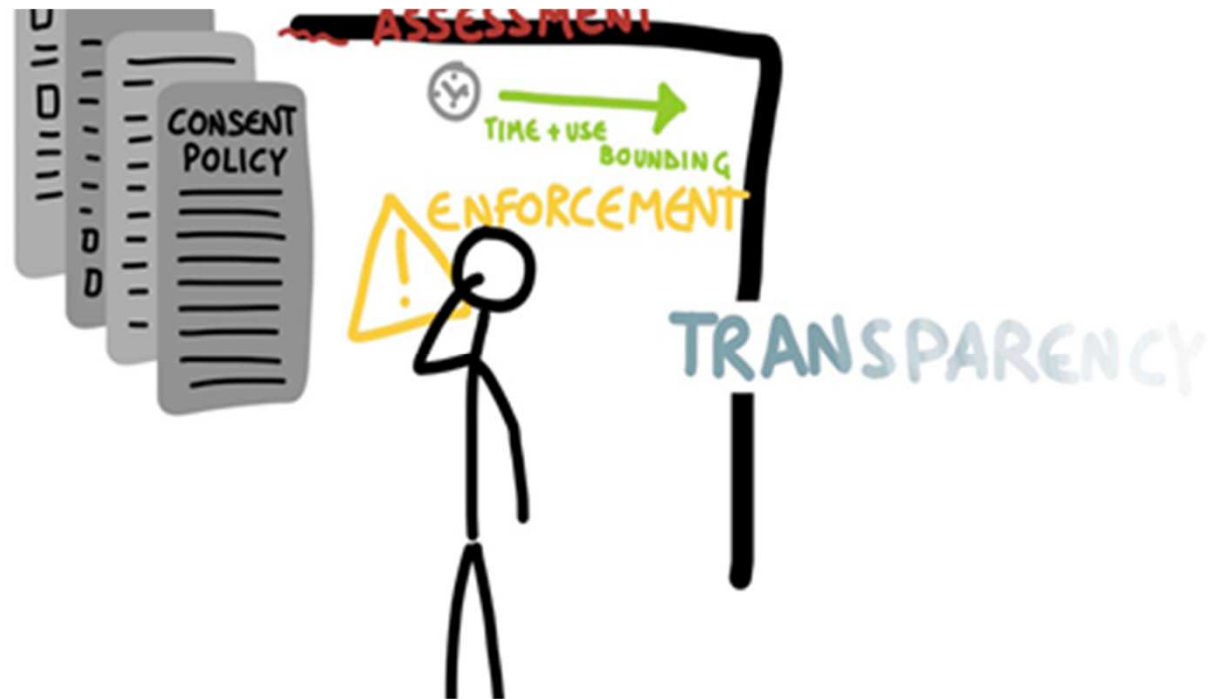
Stakeholder list



Research method repository



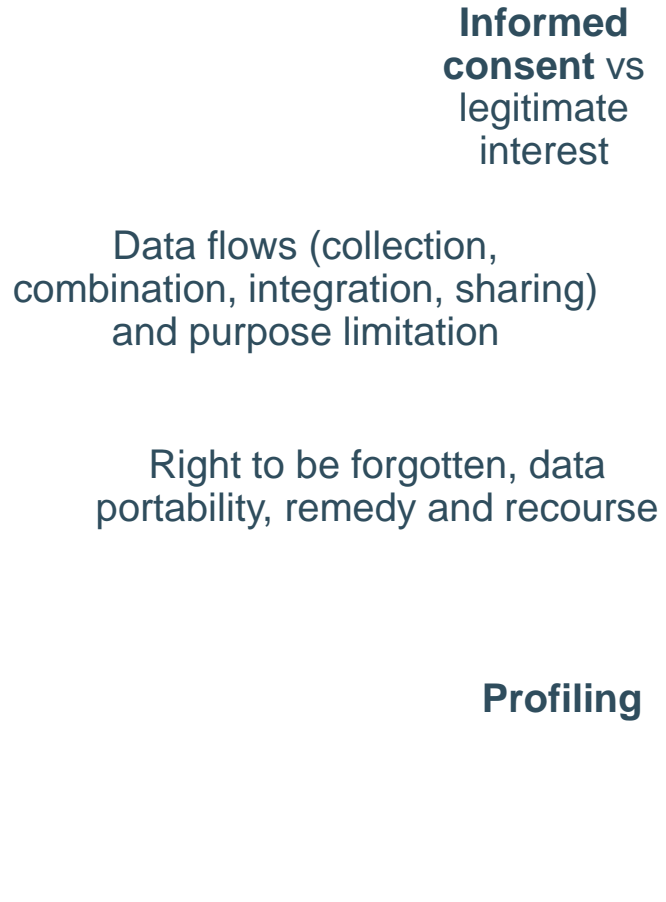
Practical guidelines



Transparency and choice

Ensure fair and transparent processing

Transparency what? how?



NEW: stricter conditions for consent (art. 7-8)

- Consent must be: freely given, specific, informed
- GDPR adds/clarifies:
 - Unambiguous and actively given ('clear affirmative action', hence not to be assumed from inaction or pre-ticked boxes) (art.4, 11° and rec. 32)
 - separable from other written agreements
 - clearly presented ('intelligible and easily accessible form', 'using clear and plain language')
 - as easily revoked as given
- GDPR contains additional requirements: effective prohibition on 'bundled' consents (granularity!) and the offering of services which are contingent on consent to processing; consent is not 'freely given' where 'clear imbalance between data subject and controller' (rec. 42-43)
- Controllers should be able to demonstrate that consent was given



CHILDREN: for online services parental consent is required for children below 16 years! (N.B. Member States can lower age to 13 years) => may require installation of age verification mechanisms

Big data for GDPR implementation

KEEP CALM
AND LET BIG DATA
HELP YOU PREPARE FOR GDPR

Thank you!

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