



THE GDPR & THE NEW DATA PROTECTION AUTHORITY

PHILIPPE DE BACKER

STATE SECRETARY FOR THE FIGHT AGAINST SOCIAL FRAUD, PRIVACY AND THE NORTH SEA

PHD-MBA

PRIVATE
SECTOR

MEP

ANTWERP

STATE
SECRETARY



PHILIPPE DE BACKER

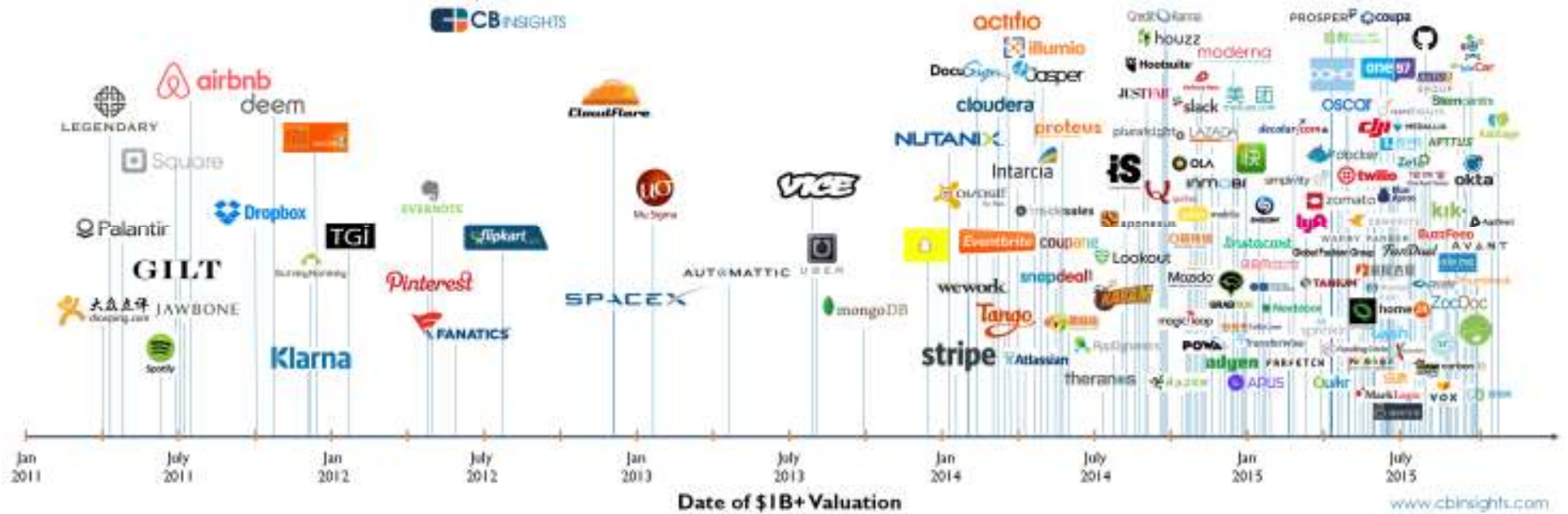


CHANGING WORLD

The Increasingly Crowded Unicorn Club

Created by:
CB IN SIGHTS

Private Unicorn since 2011



www.cbinsights.com

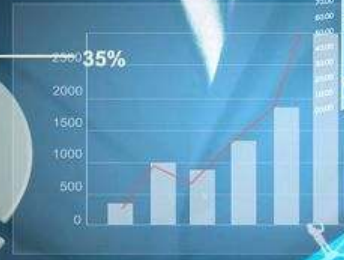
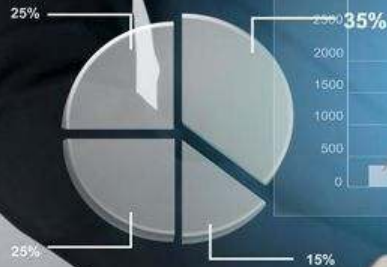
DIGITAL ECONOMY

CLASSIC ECONOMY

- 2 JOBS EVERY YEAR

DIGITAL ECONOMY

+ 5 JOBS EVERY YEAR



LISBON COUNCIL CALCULATION

PRIVACY

A FUNDAMENTAL HUMAN RIGHT
(PROTECTION AGAINST
STATE/OTHERS)

UN DECLARATION OF HUMAN RIGHTS¹²:

NO ONE SHALL BE SUBJECTED TO ARBITRARY INTERFERENCE WITH HIS PRIVACY, FAMILY, HOME OR CORRESPONDENCE, NOR TO ATTACKS UPON HIS HONOUR AND REPUTATION. EVERYONE HAS THE RIGHT TO THE PROTECTION OF THE LAW AGAINST SUCH INTERFERENCE OR ATTACKS.



DATA PROTECTION

PROTECTION OF PERSONAL
DATA AGAINST IMPROPER USE
BY THIRD PARTIES



PRIVACY IS CHANGING

The background of the slide is a photograph showing several people from behind, holding up large white sails or flags in a grassy field under a clear blue sky. The scene is bright and open, suggesting a sense of freedom or achievement.

HOW TO MAKE SURE THAT PEOPLE
REGAIN CONTROL OVER THEIR DATA
AND ARE ABLE TO CHOOSE WHAT THEY
SHARE.

WHILE AT THE SAME TIME
CREATING MORE POSSIBILITIES FOR
ENTREPRENEURS

FINDING A NEW BALANCE



GDPR: WHO, WHAT & WHY?



2018

PRINCIPLES FOR DATA PROCESSING

OBLIGATIONS FOR PROCESSORS

RIGHTS OF DATA SUBJECTS

SANCTIONS

→ PROTECTION OF THE INDIVIDUAL + FREE MOVEMENT OF DATA

GDPR: WHO, WHAT & WHY?



GDPR CONSENT

INFORMED, FREELY GIVEN, SPECIFIC

MAIN PRINCIPLE



GDPR RIGHTS OF DATA SUBJECTS

TO LOOK THROUGH, CORRECT, DELETE, TRANSFER, SUE

DATA SUBJECTS RIGHTS



OBLIGATIONS DATA PROCESSOR / CONTROLLER

PRIVACY BY DESIGN/DEFAULT

REGISTER OF DATA PROCESSING ACTIVITIES

REPORTING DATA BREACH TO AUTHORITY AND SUBJECT

APPOINTING AND ACCOMMODATING DPO'S

OBLIGATIONS PROCESSOR



HOW TO COMPLY?

6 TASKS

OBLIGATIONS PROCESSOR

1. IMPORTANT CONSIDERATIONS

COUNTRY OF ESTABLISHMENT?

DETERMINATION OF WHO'S RESPONSIBLE INTERNALLY

MAKING SURE CONSENT IS INFORMED

2. ASSESSING RESPONSIBILITY

KNOW YOUR OWN DATA

DO I NEED A DPO?

WHAT AM I DOING TO COMPLY WITH THE RULES?

DO I HAVE A TRAINING OR AUDITING PROGRAMMA?

TASKS

3. INTERNATIONAL DATA TRANSFERS

WHERE IS THE DATA TRANSFERRED TO? IS IT A DATA SAFE COUNTRY?

ARE THE DATA TRANSFERS JUSTIFIED?

THE SUBJECT SHOULD BE INFORMED OF TRANSFER

4. BUILDING PRIVACY

PRIVACY BY DESIGN, BY DEFAULT

NO MORE DATA THAN NECESSARY

SAFE SYSTEMS

TASKS

5. A GOOD LEGAL CASE

A CLEAR INTERNAL AND EXTERNAL PRIVACY POLICY

CLEAR CONTRACTS WITH CLIENTS, SALESMEN AND SISTER COMPANIES

BE EXPLICIT AND HONEST ABOUT CONTRACTS. AVOID CONFLICTS.

6. PREPARE FOR DATA BREACHES AND OTHER INCIDENTS

DEFINE HOW YOU WILL HANDLE SITUATIONS

MAKE SURE YOUR OFFICERS DO SO TOO

BE PREPARED FOR QUESTIONS OF DATA SUBJECTS

TASKS



SPECIFICITEITEN E-HEALTH

*

BETTER QUALITY

RESEARCH

CLINICAL TRIALS

CLIENT CARE

POPULATION
MANAGEMENT AND
PUBLIC HEALTH

MORE EFFECTIVE
DEVELOPMENT OF
MEDICINES

CARE

PERSONALIZED

PREVENTION

PATIENT-FOCUSED

FINANCIALLY

LOWER COSTS

DETECTION OF FRAUD

OVERCONSUMPTION

E-HEALTH: ADVANTAGES



PROCESSING OF GENETIC DATA, BIOMETRIC DATA FOR THE PURPOSE OF UNIQUELY IDENTIFYING A NATURAL PERSON, DATA CONCERNING HEALTH SHALL BE PROHIBITED.

ALL DATA PERTAINING TO THE HEALTH STATUS OF A DATA SUBJECT WHICH REVEAL INFORMATION RELATING TO THE PAST, CURRENT OR FUTURE PHYSICAL OR MENTAL HEALTH STATUS OF THE DATA SUBJECT

INFORMATION DERIVED FROM THE TESTING OR EXAMINATION OF A BODY PART OR BODILY SUBSTANCE, INCLUDING FROM GENETIC DATA AND BIOLOGICAL SAMPLES;

INFORMATION ON, FOR EXAMPLE, A DISEASE, DISABILITY, DISEASE RISK, MEDICAL HISTORY, CLINICAL TREATMENT OR THE PHYSIOLOGICAL OR BIOMEDICAL STATE OF THE DATA SUBJECT INDEPENDENT OF ITS SOURCE, FOR EXAMPLE FROM A PHYSICIAN OR OTHER HEALTH PROFESSIONAL, A HOSPITAL, A MEDICAL DEVICE OR AN IN VITRO DIAGNOSTIC TEST.

RESPONSIBILITY DATA PROCESSOR

PROHIBITION IS NOT APPLIED WHEN

- EXPLICIT CONSENT
- NECESSARY FOR EMPLOYMENT, SOCIAL SECURITY AND SOCIAL PROTECTION
- VITAL INTERESTS OF DATA SUBJECT OR OTHER NATURAL PERSON IN CASE DATA SUBJECT IS PHYSICALLY OR JURIDICALLY NOT CAPABLE OF GIVING CONSENT
- A NUMBER OF SPECIAL DATA CONTROLLERS (FOUNDATIONS, NON PROFITS)
- DATA THAT HAVE BEEN MADE PUBLIC BY THE DATA SUBJECT HIMSELF
- NECESSARY FOR LEGAL PROCEEDINGS
- SUBSTANTIAN PUBLIC INTEREST, PUBLIC HEALTH
- PURPOSES OF PREVENTIVE MEDICINE
- ARCHVING FOR PUBLIC INTEREST, SCIENTIFIC OR HISTORICAL RESEARCH OR STATISTICAL PURPOSES

→ CREATES POSSIBILITES

RESPONSIBILITY DATA PROCESSOR

RESEARCH & ANALYSIS: NO CONSENT NEEDED FOR PROCESSING OF ANONYMISED DATA

HOW ANONYMOUS IS ANONYMOUS? CROSS-DATA CAN TELL A LOT.

→ KNOWLEDGE CENTER DPA WILL EXAMINE POSSIBILITIES ANONYMIZING

HOW DO YOU GIVE PATIENTS FEEDBACK WHEN DATA IS ANONIMIZED

→ PSEUDONYMISATION

→ PSEUDONYMIZED DATA WITH INFORMED CONSENT

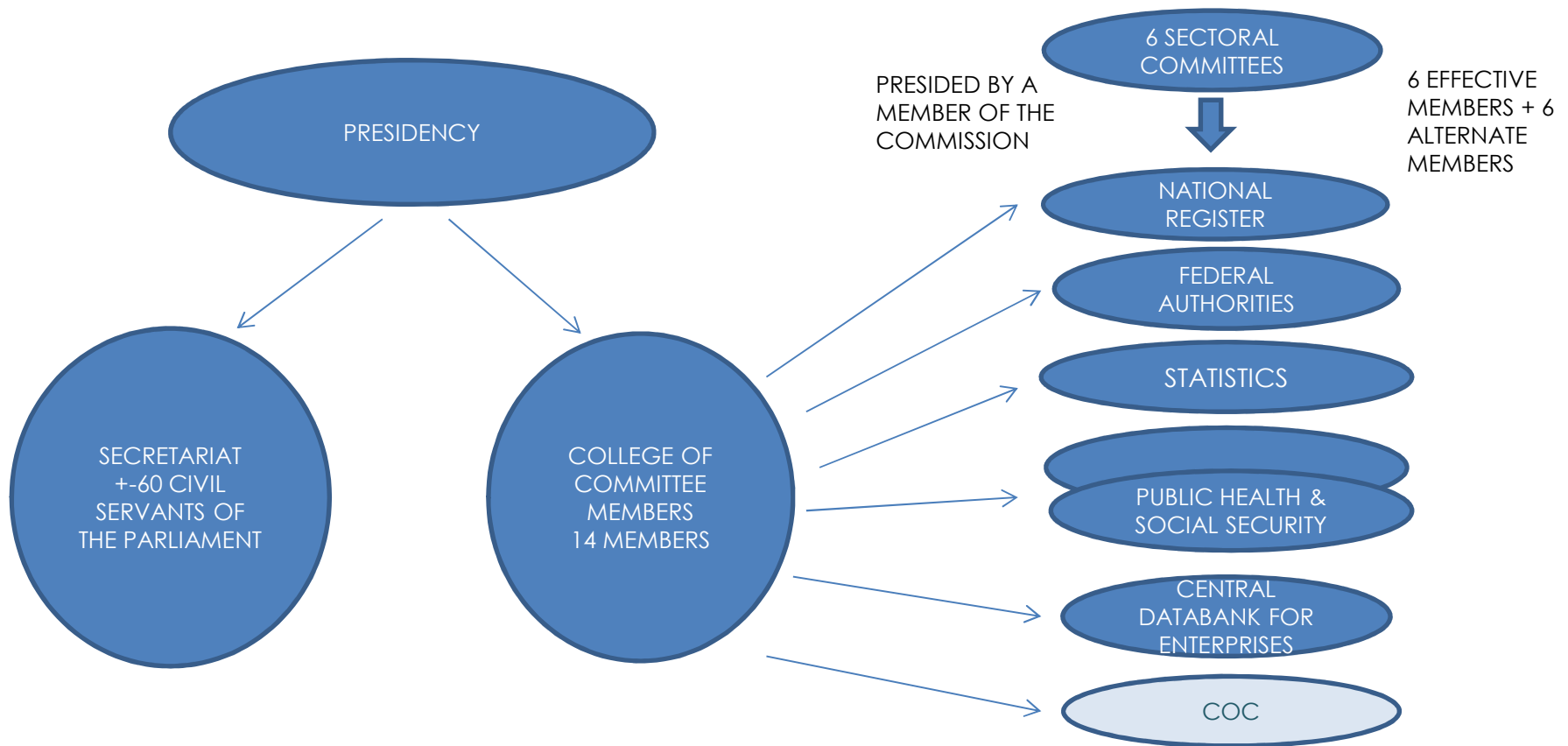
HOW CAN YOU INFORM DATA SUBJECTS IF YOU DON'T KNOW WHAT YOU'RE GOING TO DETECT

INFORMED CONSENT: CONSENT APPLIES TO JUST ONE SPECIFIC RESEARCH

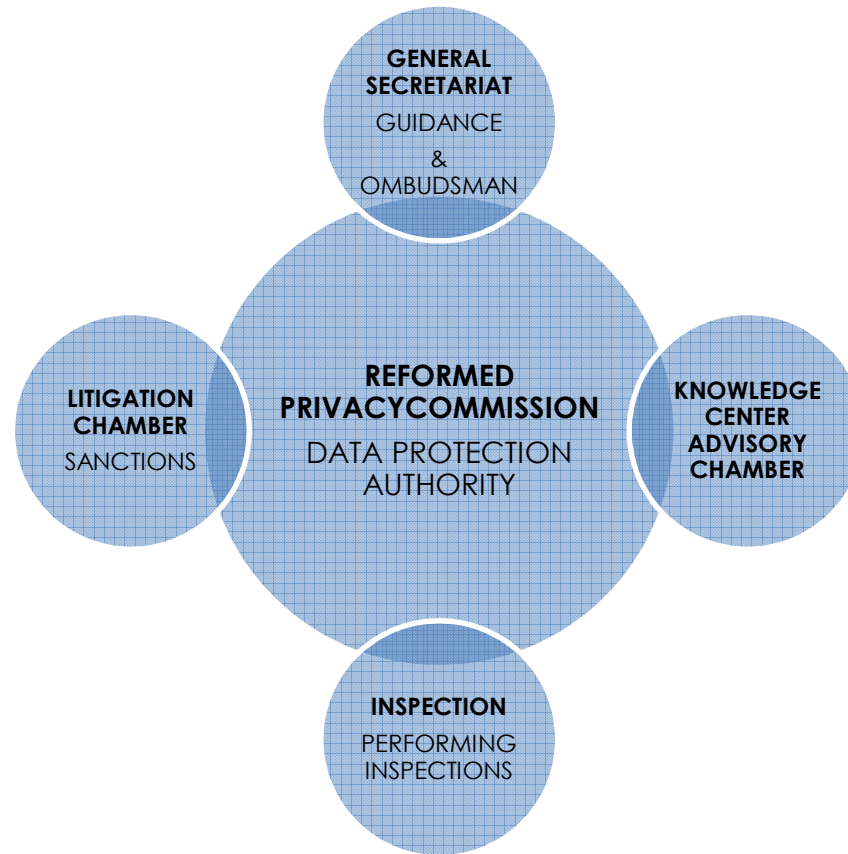
→ TRUSTED THIRD PARTY?

→ DPA WILL HAVE TO CLARIFY THESE POSSIBLE CONFLICTS

EXTRA CHALLENGES E-HEALTH



OLD PRIVACYCOMMISSION



NEW DATA PROTECTION AUTHORITY

A PROFESSIONAL DPA

SANCTIONING WHEN NECESSARY

GUIDING PROCESSORS

MAKING CODE OF CONDUCT & GUIDELINES

→ CREATING LEGAL CERTAINTY

DPA

NEW DATA PROTECTION AUTHORITY

DPA

ENSURING COMPLIANCE WITH GDPR

GUIDELINE ON DPO'S

GUIDELINE ON REGISTERS

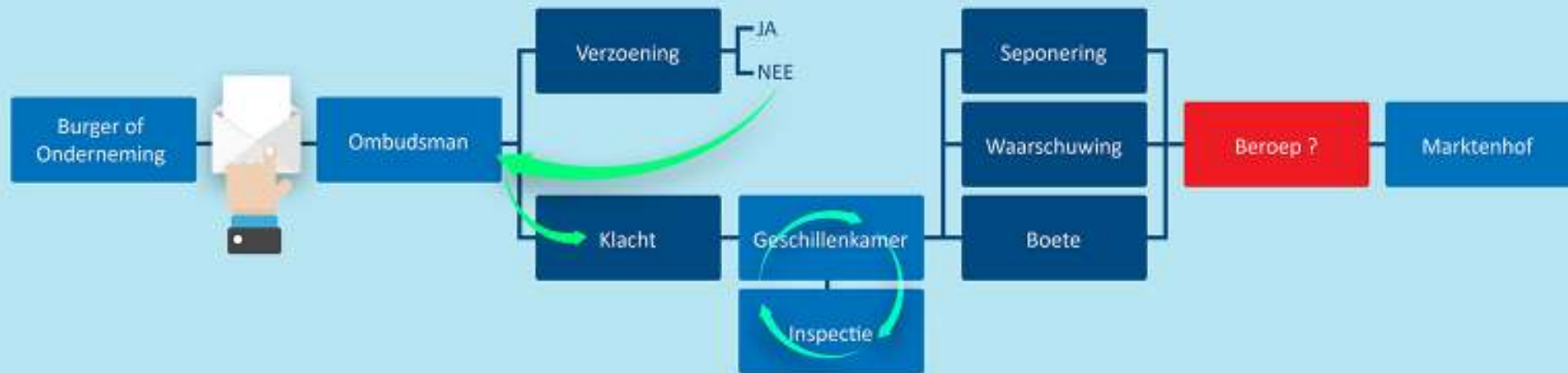
OBSERVES EVOLUTION WORKING PARTY 29

RESPECTS HARMONISATION EFFORT GDPR

KNOWLEDGE CENTER (ON CRYPTOGRAPHY FOR
EXAMPLE)

NEW DATA PROTECTION AUTHORITY

FORMAL PROCEDURE BEFORE THE DPA



ESCALATION MECHANISM

DPA

A DATA PROTECTION AUTHORITY WHICH

PROTECTS THE FUNDAMENTAL HUMAN RIGHT OF PRIVACY

EXCELS AND TAKES UP A TOP EUROPEAN POSITION

→ LEGAL CERTAINTY AND OPPORTUNITIES FOR CITIZENS AND COMPANIES

CONCLUSION



THANK YOU FOR YOUR ATTENTION