



„It's about time“

He is one of the advocates of the EU General Data Protection Regulation (EU-GDPR) and he is convinced that it will lead to more equality between competitors in the European market. Jan Philipp Albrecht is the spokesperson for domestic and judicial policy of the Greens fraction in the European Parliament and is standing up for civil rights in the digital age. As chief negotiator for the GDPR in the European Parliament, he advises companies to address the new data protection regulations.

“Mr. Albrecht, according to a BITKOM survey, a third of the companies in Germany has not yet addressed the new GDPR. What is your advice to them?”

To put together a team or appoint someone to address this issue as soon as possible. There already was a lot of time to do that; since May 2016 it was obvious that companies would face what is coming in May 2018. So, it's about time. And there is no way around it either, because that deadline will not be pushed back any further. From the 25th of May 2018 onwards, everyone who is affected in such a way, will be able to assert the rights given to him or her by the GDPR before national courts. Of course that also means that the regulation authorities will have the right to impose substantial sanctions on offenders from the 25th of May onwards.

“Why do some companies have such a hard time complying with the new GDPR?”

I think it mostly comes down to details for these companies. Details, which they might not have paid a lot of attention to, even though they are also already mandated by the current regulations. However, the GDPR will put a stronger emphasis on these details by clearly putting more of them in writing, for example Privacy by Design. The idea is to encourage companies to process as little personal data as possible. Another example is the obligation to provide information. Now it is clearer, which information the

companies have to release and that this information must be easily understandable. And finally, the question about deletion of personal data: now that is no longer some vague declaration of intent, but rather an essential part of the regulation. All of that will now be more visible and clear.

“Sanctions and fines are always taken as an argument for addressing the GDPR question now. In the future, who is going to decide if a company needs to pay a fine and how large that fine will be?”

According to the GDPR, fines as large as 4 percent of the company's annual revenue will be possible. This is a uniform regulation and there will be no changing that. How large any given sanction will be, is for the regulation authorities to decide and they will need to agree upon a consistent approach to that. For companies, the regulation is phrased clearly and it will be up to the regulation authorities to impose appropriate but deterrent sanctions.

“How are citizens actually going to know what is happening to their personal data?”

Stricter rules and – most importantly – stricter enforcement of these uniform rules were put into law, especially to better ensure the compliance of online companies when it comes to the issue of processing personal data. Now the strict rules, which were already considered a matter of course for companies in Germany, applies to everyone. For some companies complying with them is quite a challenge. Now they have to operate with a different set of standards and can no longer hide behind less strict rules or authorities in Ireland. We are now witnessing that especially the big Silicon Valley companies are striving to comply with this new set of standards.

“Is it possible that the EU is setting a global set of standards then?”

The online companies in question are trying to establish trust and they seem to be using these new rules for their business operations worldwide. This would mean that the EU rules are not only applicable inside the European Union, but are actually becoming a global set of standards. I believe it would be a major accomplishment, if we actually manage to establish a level playing field and fair conditions for competition worldwide.

“There will be an obligation to report any loss of data within 24 hours. However, companies often do not even realize that they have been hacked and data has been stolen. Will companies need to further reinforce their IT security measures?”

Fortunately, the new GDPR also features a comprehensive catalogue of data protection measures, which also makes it the first time that we are requiring such measures to be part of the new set of standards. That is an important step towards more IT security. To a certain extent, Privacy by Design also means Security by Design. Of course, products and services offered on the European market – and most of them will somehow utilize personal data – will then also need to fulfill the new standards of data protection.