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OUTLINE

1. What is the GDPR
2. GDPR most significant updates
3. GDPR vs US privacy
4. California Consumer Privacy Act
5. Chicago Personal Data Collection and Protection Ordinance
6. The Consumer Data Protection Act
7. Adapting to the GDPR
8. Conclusions
WHAT IS THE GDPR

The General Data Protection Regulation 2016/679 is a regulation in EU law on data protection and privacy for all individuals within the European Union and the European Economic Area.

14TH APR, 2016
ADOPTED

25TH MAY, 2018
ENFORCEABLE
GDPR MOST SIGNIFICANT UPDATES

- Thrilling Fines
- Affects Non-EU Organizations
- Data Protection Officer (DPO)
- Privacy Impact Assessments (PIA)
- Explicit and Informed Consent
- Notification of Data Breaches
- Minimisation Principle
- Accountability, Privacy-by-Design & Privacy-by-Default
- International Data Transfers Policy
## GDPR vs US PRIVACY

<table>
<thead>
<tr>
<th>Category</th>
<th>GDPR</th>
<th>US</th>
</tr>
</thead>
<tbody>
<tr>
<td>SECURITY MEASURES</td>
<td>Appropriate technical and organizational measures</td>
<td>Encrypt data in storage and in transit</td>
</tr>
<tr>
<td>DATA BREACHES NOTIFICATIONS</td>
<td>Affected individuals and Supervisory Authority without unreasonable delay</td>
<td>Mostly inexistent No timely restriction</td>
</tr>
<tr>
<td>CONSUMERS’ POWER</td>
<td>Explicit opt-in consent</td>
<td>Complete ignorance of what is collected</td>
</tr>
<tr>
<td>INTERNATIONAL DATA TRANSFERS</td>
<td>Certain conditions are met</td>
<td>No restrictions</td>
</tr>
</tbody>
</table>
5 RIGHTS TO CALIFORNIANS

1) To know what personal information is being collected
2) To know whether their personal information is sold and disclosed and to whom
3) To say no to the sale of personal information
4) To access their personal information
5) To equal service and price
**CALIFORNIA CONSUMER PRIVACY ACT**

<table>
<thead>
<tr>
<th>CCPA</th>
<th>GDPR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside California State borders</td>
<td>Outside EU borders</td>
</tr>
<tr>
<td>Consumers’ privacy disclosures</td>
<td>Disclosures, international data transfers, notifications, security measures...</td>
</tr>
<tr>
<td>General privacy policy. More specifics upon request</td>
<td>Layered information. Additional requirements to present info to users</td>
</tr>
<tr>
<td>Opt-out consent</td>
<td>Explicit consent</td>
</tr>
<tr>
<td>Cross-border data transfers not restricted</td>
<td>Restricted international data transfers</td>
</tr>
<tr>
<td>Fines up to $7,500. For certain breaches, $100–750 per data subject</td>
<td>Higher of 4% or €20 M</td>
</tr>
<tr>
<td>Children’s (16) data prohibited, unless opt-in</td>
<td>Legal children’s age to process data: 16 Other EU countries may set a lower age &gt;=13</td>
</tr>
</tbody>
</table>
THE CHICAGO PERSONAL DATA COLLECTION AND PROTECTION ORDINANCE

PURPOSE
Provide regulation for operators that collect sensitive personal data of individuals in Chicago

SIMILARITIES WITH GDPR
✓ Prior opt-in consent, but not informed
✓ Notifications of data breaches
✓ Apply to business outside borders of territory

Title 4
Chapter 402
Amendment of Municipal Code

18TH APR, 2018
ADDED

08
PURPOSE

Proposes that the US as a nation should establish minimum privacy and cybersecurity standards to protect consumers’ privacy.

Empower Federal Trade Commission (FTC)

SIMILARITIES WITH GDPR

✓ Fines up to 4% annual revenue and 10-20 years criminal penalties
✓ More information to consumers
ADAPTING TO THE GDPR

- Adhere to the Privacy Shield
- Become proactive
- Records of processing activities

- Notify data breaches
- PIA and/or DPO
- INFORM and obtain explicit consent

GOOD FAITH!
CONCLUSIONS

GDPR is not a problem
It is a solution

GDPR is not a revolution
It is an evolution

US MOVING TOWARDS PRIVACY

State level
California Consumer Privacy Act

National level
Consumer Data Protection Act Discussion Draft
QUESTIONS

ANALYSIS OF THE US PRIVACY MODEL – IMPLICATIONS OF THE GDPR IN US

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