

# Jessitura



**EUROPEAN  
CONFERENCE 2015**

**5 & 6 NOVEMBER  
NOTTINGHAM**

# PROTECTING YOUR CUSTOMER'S DATA

## WHOSE DATA IS IT ANYWAY?

### 🎯 PRESENTERS

Graeme Ellis : Roundhouse

Sebastian Cheswright : Sadler's Wells

### 🎯 GURU

Rathi Kumar : Roundhouse

### 🎯 CONTENT PLANNERS

Graeme Ellis : Roundhouse



# 8 Data Protection Principles

- Processed fairly and lawfully
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate and up-to-date
- Not kept for longer than is necessary
- Processed in line with individuals' rights
- Secure
- Not transferred to other countries without adequate protection

# Data Controller vs Data Processor

A data controller is a person (or persons) who determine the purposes for which and the manner in which any personal data will be processed. Data controllers must be registered with the ICO.

A data processor is any person (not including employees of the data controller) who process data on behalf of the data controller.

Data sharing occurs between **data controllers**.

# Indirect Consent for Direct Marketing

- Privacy & Electronic Communication Regulations specifically require that the customer has notified the sender that they consent to messages from them, but the ICO recognises that indirect consent can be valid if it is clear and specific enough
- An example of this would be if the organisation is specifically named, or if the consent described a specific category of organisations and it clearly falls within that description
- Consent is defined as
  - Freely given
  - Specific
  - Informed
  - A positive expression of choice

# US – EU Safe Harbour

- On 6 Oct the European Court of Justice declared the US-EU Safe Harbour decision invalid
- Subsequent meeting of the EU Data Protection Authorities has said that by the end of Jan 2016 an appropriate solution must be reached with US authorities or else EU authorities are committed to take all necessary and appropriate actions
- The hope is that this will result in a new safe harbour agreement for US organisations to abide by
- The good news is that this agreement has already been in negotiations for the past two years

# EU Data Protection Regulation (possibly coming into effect in 2017)

- We are currently under an EU data protection directive. What is the difference between a directive and a regulation?
  - Directive = EU legislation that sets out a goal for all members to achieve, but it is up to each country to determine how (UK DPA)
  - Regulation = EU legislation that is directly applicable to all members (there will not be a UK interpretation)
- What changes are anticipated in the new regulation?
  - There will be tighter rules on transferring data outside the EU
  - User request rights will be harmonised (subject access requests) and is predicted to have a turnaround time of 20 days as opposed to the 40 we currently have under UK law
  - New erasure rights where users can demand that their data be erased
  - Controllers will have to inform and remind users of their rights as well as document the fact they have given a reminder and there will be a move to a more stringent opt-in model

# Today's Topics

- Responsibility
- Data Sharing Agreements
- Practicality
- Customer Communication
- Data Integrity
- Subject Access Requests
- Others?

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## QUESTIONS?

- Please tell us who you are and where you are from.....

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## WHAT'S NEXT?

- **Venue Tour starts at 6.05pm – meet in the Royal Concert Hall foyer**
- **Content Planning Committee meet up is 7 – 7.30pm in RED at the Crowne Plaza Hotel**
- **Evening Networking welcome drinks served from 7.30pm and food served at 7.45pm – don't forget your dancing shoes!**