

COMPLY WITH THE GDPR IN AN HR CONTEXT

IS YOUR BUSINESS GDPR COMPLIANT?

The General Data Protection Regulation ('GDPR') has implemented some important changes to data protection law supplemented by the Data Protection Act 2018. This checklist for HR Directors and Managers sets out the questions you should be asking now to ensure that your HR team can properly prepare for compliance.

QUESTIONS

Awareness

- Is your organisation aware of the GDPR sanctions?
Yes No
- Is your organisation aware of the new criminal offences?
Yes No
- Does your organisation understand the effects of the GDPR on:
 - » employment contracts?
 - » the policies contained within employee handbooks and other employee statements regarding data protection?
 - » supplier contracts – due diligence on appointing suppliers, the contents of contracts and ongoing contract managementYes No
- Is your organisation aware of when it must carry out a Data Protection Impact Assessment, Legitimate Interests Assessment and Criminal Records Data Use Assessment?
Yes No
- Does your organisation know whether it needs a Data Protection officer?
Yes No
- Has your organisation implemented a data protection awareness training programme for all staff?
Yes No

Information you hold and use

- Is your organisation aware of the types of personal data it holds, and the purposes for which it is collected, used and shared?
Yes No
- Does your organisation understand how it stores and secures personal data that it receives?
Yes No
- Does your organisation keep a record of the personal data it holds, where that data came from and who it is shared with (and whether this is outside the UK)?
Yes No
- Does your organisation keep a record of the processors and sub-processors used to process personal data on your organisation's behalf?
Yes No
- Do you have in place a programme to update those supplier contracts (and templates) to be GDPR ready?
Yes No
- Has your organisation identified the legal basis for its different processing activities and documented it?
Yes No

- Is your organisation aware that the consent legal basis has changed significantly, and that other legal bases will need to be used for much of an HR function's data processing?
Yes No
- Does your organisation apply data protection by design principles and protect individuals' privacy by default?
Yes No

Communicating privacy information

- Does your organisation have transparent and easily accessible policies?
Yes No
- Has your organisation reviewed and updated its privacy notices?
Yes No
- Does your organisation have policies relating to data retention and data deletion?
Yes No
- Does your business understand the additional steps it must take if it offers online services directly to children and/or carries out automated decision-making?
Yes No
- Is your website and any marketing activities GDPR and PECR compliant?
Yes No
- Is your organisation aware of the forthcoming ePrivacy Regulation which will also change electronic marketing activities and cookies?
Yes No

Accountability

- Will your organisation be able to demonstrate GDPR compliance?
Yes No

Individuals' rights

- Is your organisation aware of the new data subject rights?
Yes No
- Does your organisation have a policy and procedure in place for dealing with data subject (including data subject access) requests?
Yes No

HOW SHOOSMITHS CAN HELP YOU

- **Shoosmiths' GDPR Drive** – We can help you assess the extent to which your organisation processes personal data in accordance with the Data Protection Act 2018 and the GDPR by carrying out a detailed audit/review, and supporting your ongoing compliance obligations. We can provide a report and work with you in order to agree a tailored service that identifies key risk areas for your organisation and which arms you with the information you need to address any key non-compliance or outstanding actions. It will also mean you can optimise your data collection and use to make the most of the data for greater purposes and drive business benefits.
- **Reviewing/drafting and updating** governance policies, employment contracts, employee handbooks, privacy notices, consent/other statements used to collect personal information, data protection template contracts and clauses, Data Protection Impact Assessment templates, and templates for the other decisions and tools which you will need to demonstrate compliance and policies relating to: cookies, privacy policies, data protection, document retention, data security, data breach, subject access requests, bring your own device, social media and CCTV.
- providing a **managed contract update/negotiation service**.
- **Rapid Response On Call Team** and **in-house support for Breaches** – use our tried and tested process when in crisis.
- **Data Subject Requests Support** – innovative tools, personnel, and precedents dedicated to streamlining this complex and time-intensive task.
- **DP Experts for hire** – mini clinics within your business to address live issues and deliver targeted support.
- **Training** including **Bespoke E-learning tools**, **Collaborative training** and **networking sessions with your peers** to share best practice and **One-on-one** training and/or **legal training sessions**. Try our **"breach out" room exercise** to work through responding to a data breach scenario within your organisation and test your processes.
- **Data Protection certification** – assessment of your processing operations, products or services against compliance. A useful benchmark for the business.
- **Codes of Conduct** – codes can be used as authority for data transfers under the GDPR. Get in touch if you want to be included in our Industry or Sector specific forums creating codes and sharing knowledge and experiences.

For any further information please visit www.shoosmiths.co.uk/data – We can help you with that.