



Campion School MUN

2018

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## European Union (EU)

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### IMPLEMENTATION OF THE GENERAL DATA PROTECTION REGULATION

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**International  
Community**

**Memorable  
Experience**

**Challenges  
Skills**



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# PERSONAL INTRODUCTION

Dear Delegates,

My name is Ariadne Lampropoulou, and I am a pupil in year 11 in Campion School. In this conference, I will be serving as the Deputy President in the European Union. Furthermore, I will be serving as the expert chair in the topic of the implementation of the General Data Protection Regulation. I hope this study guide helps you prepare your draft resolution. I wish you the best of luck, and if you have any questions please do not hesitate to contact me at : [alampropoulou@campion.edu.gr](mailto:alampropoulou@campion.edu.gr) .

Best regards,

**Ariadne Lampropoulou**



# INTRODUCTION

As of the 25th of May 2018, the law differed. If you held any exclusive information about any people within your business, it would have an effect on you. The General Data Protection Regulation (GDPR) is a new European Union Regulation which intends to strengthen and unify the protection of EU citizens. This regulation registers to all organisations that serve the citizens of the EU-no matter how big or small the companies are. Every company; even ones which are found external to the European Union but possess customers within it, are still demanded to adhere to. Surprisingly, even images and social media publications are contemplated as personal data within the regulation. On the other hand, details which come from law enforcement or national security are not components of the personal data classification by the GDPR. One of the aims of the regulations is to companies which make prejudiced choices using algorithms come to an end. It has been debated previously that algorithmic decision making are fairer since they are removed from human judgement. Undoubtedly, since judgement has been removed, so has compassion and this process has been criticised for excessive discrimination. Subservient to these regulations, if choices related to EU citizens are made by the use of algorithms, they can be legally challenged.



## DEFINITIONS OF KEY TERMS

- **Personal Data**

Any details which are secretive, executive or communal. For instance information such as names, addresses, emails, bank details, medical information and IP addresses are considered to be Personal Data.

- **Algorithms**

Mathematical instructions or rules that, especially if given to a computer, will help to calculate an answer to a problem.

- **Data Breach**

The intended or unintended spread or personal confidential information to an untrusted habitat.

- **Anecdotal Evidence**

Evidence collected in a casual or informal manner and relying heavily or entirely on personal testimony.

- **EU VAT Registration**

For companies operating across the European Union (EU), there may be a requirement to register their business with a VAT number in another EU country.

- **Supervisory Authority**

An independent public authority which is established by a Member State.



- **Whistle-Blowers**

A person who informs on another or makes public disclosure of corruption or wrongdoing.



## TIMELINE

Date	Description of Event
October 24 <sup>th</sup> 1995	Previous Legislation Data Protection Directive 95/46/EC created to regulate the processing of personal data
January 25 <sup>th</sup> 2012	Legislative Proposals Initial proposal for updated data protection regulation by the European Commission
March 12 <sup>th</sup> 2014	Legislative Proposals The European Parliament approved its own version of the regulation in its first reading
June 15 <sup>th</sup> 2015	Legislative Proposals The Council of the European Union approved its version in its first reading, known as the general approach, allowing the regulation to pass into the final stage of legislation known as the “Trilogue”

### Trilogue Timeline

Date	Description of Event
June 24 <sup>th</sup> 2015	meeting covering: <ul style="list-style-type: none"><li>○ Package approach: Objective of Luxembourg Presidency for the proposed directive</li><li>○ Agreement on the overall roadmap for Trilogue negotiations</li><li>○ General method and approach for delegated and implementing acts</li></ul>
July 14 <sup>th</sup> 2015	meeting covering: <ul style="list-style-type: none"><li>○ Territorial scope (Article 3), Representative (Article 25)</li><li>○ International transfers (Chapter V), related definitions</li></ul>
September 16 <sup>th</sup> -17 <sup>th</sup> 2015	meeting covering: <ul style="list-style-type: none"><li>○ Data protection principles (Chapter II)</li><li>○ Data subject rights (Chapter III)</li><li>○ Controller and Processor (Chapter IV)</li></ul>



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## EU: *Implementation of the General Data Protection Regulation*

September 29 <sup>th</sup> -30 <sup>th</sup> 2015	meeting covering: <ul style="list-style-type: none"><li>○ Data protection principles (Chapter II)</li><li>○ Data subjects rights (Chapter III)</li><li>○ Controller and Processor (Chapter IV)</li></ul>
October 15 <sup>th</sup> 2015	Trilogue covering: <ul style="list-style-type: none"><li>○ Independent Supervisory Authorities (Chapter VI)</li><li>○ Cooperation and consistency (Chapter VII)</li><li>○ Remedies, liability and sanctions (Chapter VIII)</li></ul>
October 28 <sup>th</sup> 2015	meeting covering: <ul style="list-style-type: none"><li>○ Independent Supervisory Authorities (Chapter VI)</li><li>○ Cooperation and consistency (Chapter VII)</li><li>○ Remedies, liability and sanctions (Chapter VIII)</li></ul>
November 11-12 <sup>th</sup> 2015	meeting covering: <ul style="list-style-type: none"><li>○ Objectives and material scope (Chapter I)</li><li>○ Specific regimes (Chapter IX)</li></ul>
November 24 <sup>th</sup> 2015	meeting covering: <ul style="list-style-type: none"><li>○ All open issues from Chapter I to IX</li></ul>
December 10 <sup>th</sup> 2015	meeting covering: <ul style="list-style-type: none"><li>○ Delegated and Implementing Acts (Chapter X)</li><li>○ Final provisions (Chapter XI)</li><li>○ Remaining issues</li></ul>
December 15 <sup>th</sup> 2015	meeting covering: <ul style="list-style-type: none"><li>○ Delegated and Implementing Acts (Chapter X)</li><li>○ Final provisions (Chapter XI)</li><li>○ Remaining issues</li></ul>





**Approval and Adoption**

<b>Date</b>	<b>Description of Event</b>
December 15 <sup>th</sup> 2015	The Parliament and Council have come to an agreement, and the text will be final as of the Official signing to take place in early January of 2016.
April 8 <sup>th</sup>	Adopted by the Council of the European Union
April 16 <sup>th</sup>	Adoption by the European Parliament
May	Regulation will enter into force 20 days after it is published in the EU Official Journal
May 2018	Enforcement  Following a 2 year post-adoption grace period, the GDPR will become fully enforceable throughout the European Union.



## TOPIC DISCUSSION

The visitor security was a very popular subject for a few years. For instance, seven years back the EU Cookie Law took place, which was an effort to provide transparency to visitors about the data collected from site cookies, however a number of people were concerned that it wasn't effective enough. Now, the Cookie Law is not directly enforced as much, with a large amount in the US not complying- based on anecdotal evidence. This has mostly occurred because of the sanctions which are not rigorous enough for a lot of businesses. Nonetheless, the GDPR, is rising the stakes in order to acquire imposing acquiescence. Thus, the GDPR has a number of rules and penalties. Firstly, greater companies will be demanded to recruit certain data protection officers. Secondly, if any company goes through a data breach, they are required to inform the supervisory authority the specific area but just as importantly, the individuals whose information was purloined must be notified. Finally, breaking the GDPR comes along with resilient monetary sanctions. Organisations could be hit with a €10,000,000 fine or 2% of their annual turnover. If the case is even more serious, the punishment could be doubled. Naturally, there will be certain people who believe that they can sidestep the law, just like they currently do with cookies or EU VAT Registration. Even so, different from these laws, every EU member state will have a pertinent jurisdiction that will manage the GDPR compliance through web audits, with the ability to issue warnings and punishments in an appropriate manner. Due to this, a lot of companies have started a compliance process, because they notice that ignoring this initiative could cost them dearly.

### **Which countries are affected by the GDPR?**

Although it is a segment of EU legislation, organisations found outside of the EU should be conscious of its innuendoes and be on their guard to prevent violating it. The physical locality of the legislation does not exempt or shield it from facing the repercussions of non-compliance. Foundations with workplaces in an EU territory or that collect, process or store the private data of any person located within an EU country have the need to comply with the GDPR. As occupations and other organisations usually have an international focus and reach, it is somewhat likely your entity will be required to comply with the GDPR- most importantly if it is an entity that utilizes or offers services via the Internet.

### **Main countries affected by the GDPR**

As stated to above, the physical locality of the institution, business or organization is not as significant in deciding the requirement in complying with the GDPR as the physical locality of the data subject- the individual whose data is being processed, stored or collected. It has been already mentioned that most companies will find themselves subject or impacted by the GDPR. Having said that, the companies placed within the EU will possibly see their practices change to a much larger extent. Reasonably, there are more



expected to operate a greater amount of data coming from people located in the EU. Systems in the following countries, the EU member states, will most likely be affected the most by the GDPR:

- Austria
- Belgium
- Bulgaria
- Croatia
- Republic of Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland

**Belgium, Bulgaria, Cyprus, the Czech Republic, Greece, Hungary, Lithuania and Slovenia**

Those countries have not yet implemented the GDPR regulation completely, which means that they might be penalized if they do not manage to do that in the next months, as the time given to complete the action was two years. The delay might be due to negotiation issues within each country.

**France**

In France, the GDPR will be implemented by the French Data Protection Authority. The French authorization of data will change from prior control to post control, meaning that companies will have to comply with the regulation in the first place in order to avoid any penalties. Companies will also have to employ a Data Protection Officer that will ensure that they follow all the rules concerning data protection of their clients.

- Germany
- Greece
- Hungary
- Ireland
- Italy



- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain

### **Sweden**

Sweden is facing issues concerning the implementation of the GDPR, as it must not go against the Swedish Fundamental Law on Freedom of Expression which allows certain companies to obtain a “publisher’s license”. This license is used by companies that publish information of their clients on public databases, which can only be amended by the editor of each database. Even though the GDPR forbids the publishing of such information, the Swedish government allows the action if the company has obtained a publisher’s license.

### **United Kingdom**

Since the United Kingdom will continue to be part of the European Union when the GDPR comes into force, the regulation will be captivated into the UK’s domestic law under Clause 3 of the European Union (Withdrawal) Bill. The UK government is additionally in the course of arguing a new Data Protection Bill which is firmly adjusted to the GDPR with certain minor exceptions (for example the right to everyone to have all social media posts from their childhood deleted) and exemptions (for example exemption from the Data protection Bill for journalists and whistle-blowers in certain circumstances).

Alternative EU member states are also proposing their own national laws to admire the introduction of the GDPR. The majority of them intently match the security and privacy needs of the GDPR and, where they differ, the changes mostly concern the age of consent for children, the need to access employees’ permission in advance before processing their data, minor restrictions on the Rights of Individuals, and an expansion of “special categories” while it is in the public concern.



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