

# Privacy & Data Protection

Volume 17, Issue 5

April / May 2017

## Headlines

- GDPR guidance finalised, p.17
- First EU-US Privacy Shield review to take place in September 2017, p.18
- Italian regulator issues record fine in EU, p.19

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## Data Protection Impact Assessments get scrutinized

The EU Article 29 Working Party has published its proposed guidelines on Data Protection Impact Assessments (DPIAs) and is now accepting feedback.

DPIAs are mandatory under the EU General Data Protection Regulation when processing is 'likely to result in a high risk'. Non-compliance with DPIA requirements can lead to fines under the new law.

The guidelines identify various processing situations as being likely to present this kind of risk. Firstly, processing carried

out for the purpose of evaluation or scoring, including profiling and predicting, especially from 'aspects concerning the data subject's performance at work, economic situation, health, personal preferences or interests, reliability or behaviour, location or movements'.

Automated-decision making with a legal or similar significant effect also falls into the category of high risk. Similarly, systematic monitoring, sensitive data and data processed on a large scale (looking at the number of data subjects concerned, the volume of data, the duration, or per-

manence, of the data processing activity, and the geographical extent of the processing activity) are included.

Datasets that have been matched or combined, data concerning vulnerable data subjects and innovative uses of data or applying technological or organisational solutions constitute high risk. Data transfers across borders outside the European Union, and when the processing in itself 'prevents data subjects from exercising a right or using a service or a contract' are

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## DPA's approve of new e-Privacy rules, but note concerns

The Article 29 Working Party has adopted its Opinion on the European Commission's proposed e-Privacy Regulation, broadly welcoming the changes.

The Working Party said it approves of the plan that the same authority responsible for monitoring compliance with the GDPR will also be responsible for the enforcement of the Proposed e-Privacy

Regulation and will be able to impose similar fines.

The Working Party approves of the removal of the existing sector-specific data breach notification rules in the e-Privacy context, which is consistent with the GDPR's general data breach notification rule applicable to all sectors. It also welcomes the ex-

pansion of the scope of the rules to include Over-The-Top providers in addition to traditional telecom operators. Further, the Working Party approves of the clarification that the Proposed e-Privacy Regulation covers machine-to-machine interaction, as well as content and associated

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