

EU and U.K. General Data Protection Regulations



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In 2016, the Europeans set the standard for the modern privacy revolution when the European Parliament adopted the General Data Protection Regulation (GDPR). The GDPR codified the principle that data protection rights are fundamental human rights and, therefore, must be regulated by a comprehensive legal framework. Woven into the 99 Articles that comprise the GDPR, are two basic concepts: consumers' right to data protection and data privacy. Data protection means keeping data safe from unauthorized access. Data privacy means empowering your users to make their own decisions about who can process their data and for what purpose.

As a result of the GDPR, companies that do business in the European Union (EU) and collect personal data on EU citizens must comply with this legal framework. For most companies, compliance is a paradigm shift. Although it is an iterative process, it starts with an analysis of what personal data a company holds — an analysis that is complicated by the GDPR's broad definition of what constitutes personal data. From there, companies must development and implement strategies for handling that personal data, including how it may be transferred. Negotiating this compliance process requires the engagement of both qualified legal and security professionals.

Hodgson Russ attorneys have worked extensively with companies, both abroad and in the United States, to develop compliance programs that address the requirements under the GDPR. Specifically, we advise clients in the following areas:

- conducting privacy impact assessments and data security audits;

- responding to cybersecurity incidents and data breaches;
- addressing international data transfers by leveraging Standard Contractual Clauses (SCCs), Binding Corporate Rules (BCRs) or certifications through the EU-US Privacy Shield and the Swiss-US Privacy Shield;
- advising on the e-Privacy Directive and GDPR decisions impacting the use of cookies;
- developing comprehensive information governance strategies; and
- identifying gaps in compliance and industry best practices.

Our lawyers also advise clients on the United Kingdom Data Protection Act of 2018 which complements the European Union's GDPR and replaces the U.K.'s Data Protection Act of 1998. With some distinctions, the so-called U.K. GDPR, adopts the same basic legal framework as the EU GDPR.

For more information about how Hodgson Russ can assist your company with either EU or U.K. GDPR compliance, email or call one of our [Privacy and Security](#) lawyers.

