



# The **GDPR** in five minutes – what do **HR** professionals need to know?

The GDPR introduces a number of new requirements around how employee personal data is processed (including how such data is gathered, stored, handled and erased). As the risks of non-compliance with the new Regulation are significant (with fines running up to the higher of 4 per cent of annual worldwide turnover or €20 million), preparation is crucial. As Human Resources departments generally hold a high volume of employee personal data, the pressure is now on to review structures, processes and records to make sure they are compliant with the new Regulation.

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## What are the issues of particular note for HR professionals?

- Changes to the criteria for valid consent to the processing of personal data (the criteria for a valid consent are set to become stricter);
- mandatory notification of data breaches (notification of data breaches to the ICO will become mandatory for data controllers);
- changes to the Data Subject Access Requests regime (the time limit for compliance with a request is reduced and the circumstances in which a fee can be charged narrowed);
- the right to data portability (individuals can request their personal data in a structured, commonly used, machine-readable and inter-operable format);
- enhancements to the right of erasure (individuals will have enhanced rights to request the deletion or removal of their personal data); and
- increased focus on accountability and demonstrating compliance (it will no longer be sufficient to comply with data protection laws – organisations will also need to be able to demonstrate compliance).

## Putting it into practice

There are a number of practical steps which HR professionals can take to aid compliance with the GDPR, particularly in relation to the issues identified above. These are set out in more detail in our full briefing note. However, with the increased focus on accountability and demonstrating compliance, particular attention should be given to record-keeping and personal data policies, procedures and processes, namely:

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- Review record-keeping practices in respect of personal data to ensure that there is a record of:
  - processing activities, the purposes of the processing and the legal basis on which each processing activity is undertaken;
  - the source of the personal data and the means of carrying out the processing;
  - the locations where personal data is stored; and
  - any data breaches, including when and how the breach was discovered and when it was reported.
- Review existing policies, procedures and processes for compliance with the GDPR. In particular, ensure that there are policies, procedures and processes in place for dealing with:
  - Data Subject Access Requests;
  - Data retention;
  - Requests for data portability;
  - Data breaches; and
  - Data impact assessments.

## Questions?

For further information on each of these key issues and for more practical steps to aid compliance, please refer to our full briefing note: **The GDPR is coming: what are the key issues for HR professionals?**, or contact one of the authors listed below.



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## Further updates

For updates on data protection and technology matters, including the GDPR, please take a look at our Technology Law Dispatch blog: [www.technologylawdispatch.com](http://www.technologylawdispatch.com)

For employment law updates, sign up for our Employment-focused blog: [www.employmentlawwatch.com](http://www.employmentlawwatch.com)

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