



Introduction to the General Data Protection Regulation

As a market researcher, advertiser, publisher, or anyone dealing with customer or consumer data, it is vital for you to have a robust compliance regime in place. Although the General Data Protection Regulation (GDPR) may involve you having to make changes to your data processing policies, it also presents an opportunity.

It gives businesses the chance to enhance compliance and demonstrate to their customers that their personal data is in safe hands, especially in at a time when privacy is a key concern. Here are some basic GDPR insights, particularly for those businesses involved in marketing, to help you get to grips with what the GDPR is and how it might impact your business.

Basic Information on What the GDPR is

The GDPR is the overall regulation on the protection and handling of personal data for the European Economic Area (EEA). However, even if your business isn't based in the EU, you may still need to be GDPR-compliant (find more information below).

Those who aren't compliant can be fined up to 4% of global turnover or €20,000,000, whichever is greater. For market researchers, the differences between the GDPR and current data protection regulations include, but are not limited to:

- New and strengthened rights for individuals
- New obligations for data processors, as well as controllers
- Increased territorial scope
- Broader definition of 'personal data'
- Increased accountability
- Breach notification

Although Your Business isn't Based in the EU, You May Still Need to be GDPR-Compliant

A quick way to know if you are required to be compliant is by answering a few questions:

- Does your business collect, use, or processes personal data from individuals in the EEA?
- Does your business offer services or goods to people in the EEA?
- Is an office of your business in the EEA?
- Do you monitor individuals in the EEA?

What's Required to be Able to Use Individual's Data from the EEA

The GDPR sets out the need for each data processing activity to have a 'legal basis.' This means that if you process personal data, it must be based on one of the following conditions:

Consent – The individual has given clear, informed agreement to the processing of their data.

Contract – Processing a person's data is necessary to fulfill a contract.

Legitimate Interest – Processing an individual's personal data is strictly necessary for the business. For example; to prevent fraud or because of a criminal investigation.

Legal obligation and public interest – Processing personal data is necessary to comply with a legal obligation or to carry out a particular task in the public interest.

The Purpose for Creating the GDPR

Currently, the data protection directive of 1995 is in place and the GDPR will replace it. The European Parliament, the Council of the European Union and the European Commission implemented the GDPR regulation with the intention to give consumers more control and visibility of how their personal data is collected and used. In general, there are six data protection principles set out in the GDPR that each processing activity must comply with.

Fair and transparent – A person needs to know why and how his or her data will be used

Purpose limitation – Data can only be used for the reason it was collected.

Data minimization – No more data can be collected than necessary for its purpose.

Storage limitation – If the data is no longer necessary, it must be deleted.

Confidentiality and integrity – Data must be stored in a secure manner.

Accountability – Compliance with the data protection principles must be provable.

Privacy by Design and by Default - Any action a company undertakes that involves processing personal data must be done with data protection and privacy in mind at every step and once a product or service has been released to the public, the strictest privacy settings should apply by default.

What We at Rakuten AIP Are Doing

Everyone, including us, should be working towards being GDPR-compliant before May 25.

For over a year, we have worked on meeting as many of the compliant requirements as possible and have identified issues relevant to our business to ensure we are compliant by the spring deadline.

The following are some measures we are taking in our GDPR preparations:

- Integrating our global parent company's Binding Corporate Rules (BCR) scheme.
- Creating a robust compliance program.
- Creating and updating audit schedules.
- Providing additional training to our employees focused on the GDPR and other privacy laws overall.
- Modifying our product development lifecycle to include privacy by design.
- Securing data processing agreements with our vendors and our customers. This includes data transfer agreements to meet the regulatory framework(s).
- Reviewing and updating our policies as appropriate.
- Preparing updated contracts to our vendors including standard contractual clauses allowing