



**PENNINGTONS  
MANCHES**

**GDPR READINESS  
SERVICE™**





## EXECUTIVE SUMMARY

### The new law

On 25 May 2018, a new law comes into effect across the European Union: the General Data Protection Regulation (GDPR). It creates a dramatically more onerous environment for collecting and handling personal data of individuals, and applies to all businesses.

### Why it matters

GDPR is not limited to the EU. Any business which sells goods or services to individuals in the EU, or which monitors individuals in the EU, is also caught by it. It makes no difference whether a business has any formal presence in the EU. As such, GDPR is a key legal development for all businesses with a UK or EU customer base.

### What it means

The requirements of GDPR are far reaching. Key obligations such as “the right to be forgotten” and “privacy by design” have the potential to impact upon the core of how businesses interact with their customers.

It is likely to require numerous changes to policies and legal documents, business practices, the IT environment, record-keeping and reporting obligations. Non-compliance presents not only reputational but also financial risk. Breaches are punishable by very significant fines of up to €20 million or 4% of global annual turnover (whichever is higher).

### The solution: GDPR Readiness Service™

We are pleased to introduce our GDPR Readiness Service™. It’s a packaged, end-to-end legal service, designed to enable businesses to achieve GDPR compliance. It is comprised of discrete phases, containing mandatory and optional modules. The first phase is delivered at a fixed price and we also have a fixed fee pricing model for defined scopes of work throughout the process.

It has been developed by us in response to demand from clients, who need a fast and cost-effective solution to the problems GDPR presents them. Further details of the issues arising from the new law are set out in the pages below, together with additional information on our GDPR Readiness Service™.

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## ABOUT US

### Our firm

We are a major UK law firm with approximately 400 lawyers, including over 100 partners. Our headquarters are in the City of London. We have five other offices in the UK (including Oxford and Cambridge), and an office in San Francisco, US.

We provide a full range of legal services, with specialist groups in (amongst other areas) intellectual property, commercial, corporate, finance, real estate and litigation.

We have excellent international connections with law firms around the world and are a founding member of Multilaw, a top-10 global legal network with over 8,500 lawyers in 70 countries. We are very active within the Multilaw network, with one of our partners having served as chair of the Multilaw Privacy & Information Security group for a number of years.

### Our data protection and privacy team

Our highly respected data protection and privacy team is comprised of lawyers drawn from our IP, IT and commercial, employment and commercial dispute resolution teams.

Our team, including seven partners and 11 other lawyers, has a wealth of experience in all aspects of UK data protection and privacy laws, including data security, cross border transfers, consent issues, data controller / processor issues, e-mail marketing and social media campaigns, and subject access requests.

We draft and advise on privacy policies, data collection processes, data management policies, data sharing agreements and international data transfer agreements. Members of our team also offer expertise in freedom of information laws and the privacy rights of individuals, including applying for and defending privacy injunctions.

Our clients include international listed and private corporations, charities, professional regulatory bodies, professional services firms, educational institutions and individuals.

 ***Clients at Penningtons Manches highlight the firm's responsiveness, value for money and clear advice that is distilled to salient points.***

*The Legal 500*

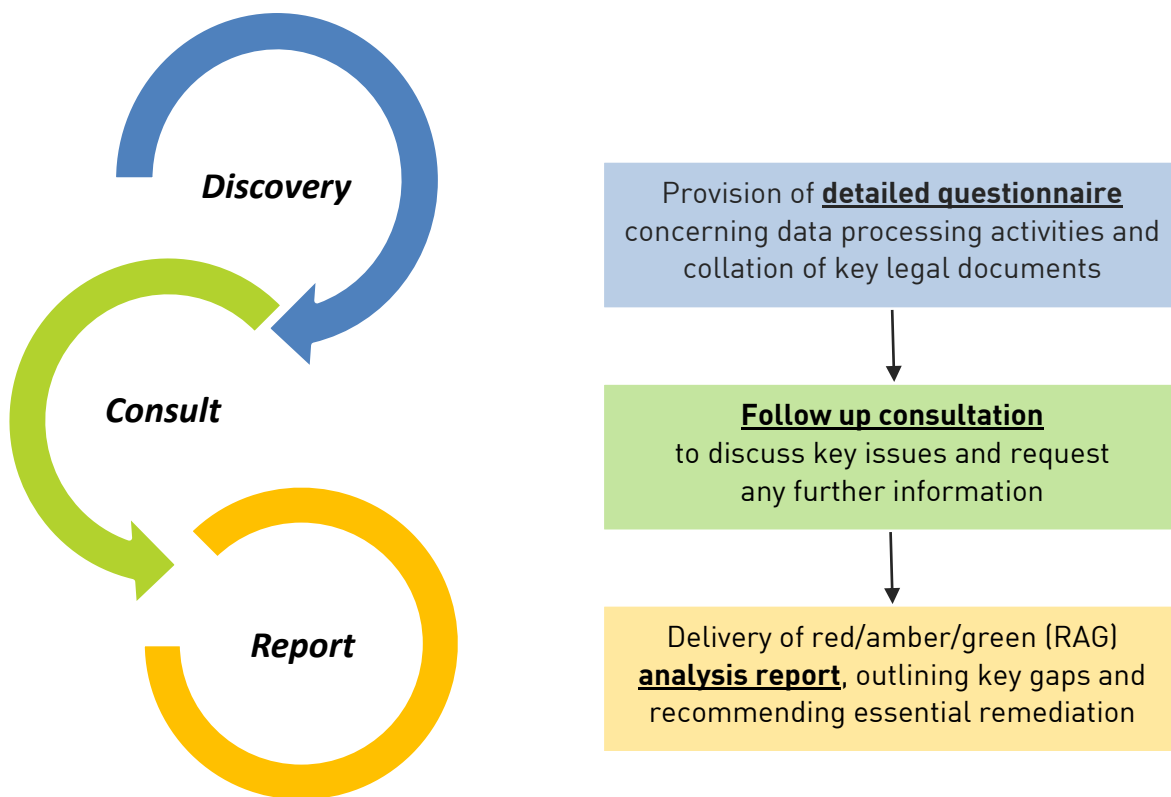


# GDPR READINESS SERVICE™

## How it works

The GDPR Readiness Service™ is designed as an end-to-end solution to enable SME businesses to achieve GDPR compliance<sup>1</sup>. It is a packaged offering, with two phases and a number of modules. The work involved is undertaken by members of our specialist data protection and privacy team, based in the UK. We agree a fixed fee with you for Phase 1: Discovery. For Phase 2: Remediation, we have a fixed fee pricing model that we can use. Our team is happy to discuss pricing with you.

## Phase 1: Discovery



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<sup>1</sup> The GDPR Readiness Service™ is based on English law only. Local law advice may be required in certain European countries, depending on needs. For certain sorts of business, such as businesses involved in large-scale monitoring, or processing of certain special categories of data or children's data, additional considerations may apply at additional cost.

# Phase 2: Remediation



Remediation activities typically include the following:

## **Collection and consent**

- Updating internal and external data collection policies and procedures.
- Identifying the grounds for lawful processing that are relied upon and confirming that these grounds are still applicable.
- Refreshing consents in line with the additional requirements of the GDPR. Maintaining audit trails of such consents.

## **Management and breach**

- Updating internal breach notification procedures (including incident identification systems and incident response plans).
- Clarifying data retention periods and security measures across the business.
- Implementing appropriate technical and organisational measures to render data unintelligible in case of unauthorised access.
- Ensuring employees can recognise and handle subject access requests.

## **Sharing and third parties**

- Reviewing and mapping key data flows. Considering current data transfer mechanisms and whether these are still appropriate.
- Revisiting data protection clauses in template documents with sub-processors.
- Re-considering the legal basis for cross-border transfers of data with customers and suppliers based overseas.
- Implementing measures to ensure records of processing are regularly updated.

## **Strategy and governance**

- Ensuring that internal governance processes demonstrate compliance, including how decisions to further process data have been reached.
- Assessing the requirement to appoint a Data Protection Officer and allocating sufficient resource and support for the DPO role.
- Implementing rigorous training for employees across the business.

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