

# What does the EU's new data protection law mean for you?

On 25 May 2018 a new European Union data protection law – called the General Data Protection Regulation (GDPR) – **will start to apply**. The law requires organisations, both public bodies and companies, to use your personal data in a transparent and fair manner. It strengthens your rights and applies to all organisations which process the personal data of individuals who are in the EU, irrespective of where the organisations are based.

## What is Personal Data?

Any bit of information that can identify you directly or indirectly. These are, for example, your name, address, e-mail, location and browsing history. It also includes online identifiers, such as the Internet Protocol address of your computer or the cookies stored in your Internet browser, which are used to associate you with the devices and services you use.



**PRIVACY**

### Data protection by design & default

Organisations must conceive their products and services in a privacy-friendly way from the get-go. Your data must be protected from the moment you start using them. Default settings must be the most privacy-friendly ones.



## What are Your Rights?

### Among others, you have the right to:

- Be informed, in a clear and easy-to-understand manner, about how your personal data is being used. This must specify which data is used, by whom and for what purposes.
- Access the data that organisations hold about you and obtain a copy of the data.
- Rectify your data if it is inaccurate.
- Get organisations to delete your data.
- Ask organisations to stop using your data, either temporarily or permanently.
- Receive your data in a commonly used format, so you can take it and use it somewhere else.
- Contest automated decisions based on your personal data that affect you in a significant manner (e.g. being denied a loan).
- Be informed if your data is lost or stolen.

### Consent:

When you are asked for the permission to use your personal data this must be done in a clear and straight forward manner. **Your consent must be unambiguous, specific, informed and freely given.**

### This means:

- You must be properly informed about what you are being asked to consent to and must have a genuine choice. When using or signing up to a service you should, in principle, not be forced to give your consent to the use of personal data beyond what is necessary for the provision of that service. Requests for your consent cannot be buried in long and complex terms and conditions or privacy policies. They must be clearly distinguishable.
- Organisations cannot *assume* that you have given your consent. It must be a clear action from your side. Inactivity or simply browsing on a site cannot be considered as consent.

## What Happens if Your Rights are not Respected?



- You can lodge a complaint with your national data protection authority or go to court. You can also ask a consumer group to do this on your behalf.
- You can claim compensation for material and/or immaterial damages suffered. For example, *material* damage can occur if a hotel does not adequately protect your credit card data, the data is stolen, and your credit card misused. *Immaterial* damage includes distress caused by an incorrect credit score, or the wrongful disclosure of sensitive medical data.
- Companies can be fined up to 20 million euros or 4% of their global turnover, whichever is higher, for breaching this law.



## How Companies Monetise your Data

Online giants, such as Facebook and Google, make money from selling advertisers and other organisations targeted access to their users based on everything they know about them. They show you targeted ads when you use their services and provide a large part of the infrastructure and tools used to display ads on millions of other websites across the web.

To be able to do this, these companies track everything their users do inside, and even outside, their own platforms. It is likely that they are tracking your movements online even if you are not a registered user of their services.

Data brokers and advertising technology companies – such as Axiom, Criteo, and Experian – are not well-known among consumers. They work mostly behind the scenes without facing users directly and make money from selling data about you and providing advertising tools to marketers. These can then target you seamlessly anywhere, any time and on any device you might use.

## Why Should you Care About your Data?



- Data protection and privacy are fundamental rights in the EU. They allow you to decide for yourself whether, when and under what conditions your intimate details can be available to – and used by – others.
- Your personal data is of great value for companies that use them in many different ways to make money. This pushes them to obtain as much data as they can and exploit it in every possible way. As a result, you cannot always trust such companies to act in your best interest. While you get the impression these services are ‘free’, you are in fact the product that is sold.
- Companies can know a lot about you by collecting and analysing your data. This can be useful, for example when this gives you advantageous personalised offers. But it can also be used to discriminate against you or manipulate your behaviour. When you lose your privacy, you can lose your freedom to make informed decisions. This could lead to:
  - You paying more for particular services. Based on your profile and past behaviour a company might, for example, guess you are particularly interested in something. Or have an urgent need for it. Perhaps you may simply dispose of the financial means to pay a higher price.
  - You being lured more effectively to buy things you would not have otherwise bought. Companies can monitor all your activities so as to target you with the right message when you are most receptive.
- The internet does not forget (on its own accord). The consequences of data (mis)use can be far-reaching for you as an individual and society as a whole. For example, your data can be used to influence your vote in an election. Or it can create problems when you’re applying for a job.



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The Consumer Voice in Europe

