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NEW LEGISLATION ON DATA PROTECTION

New legislation on data protection – the GDPR Regulation (General Data Protection Regulation)

Our current issue of Mandat News follows on the article published in our March issue. The new rules on data protection established by the GDPR will apply from 25 May 2018 and will affect all of approx. 500 million European citizens and virtually all companies operating in the European Union's internal market.

At present, we are almost in the last half year of the two-year transition period provided to companies to adapt to the new regulatory obligations. The National Council of the SR has already commenced the approval procedure for the new national law on the protection of personal data, which implements the GDPR Regulation and the so-called police directive on the protection of personal data. The new rules for the protection of personal data cause companies to worry, because they often do not know how to implement them in practice and how to create a functioning internal system for data protection. Such system should be supported by the compliance with new administrative and legal obligations, which may arise, in particular, based on the level of risk related to the processing of personal data in the respective organization in each particular case.

The new principle of responsibility substantially changes the rules of the regulatory environment by transferring the burden of proof from the supervisory authorities to the responsible entities that will be required to demonstrate their compliance with the GDPR. This fact, which is important for companies, means that a mere adoption of adequate security measures alone without their proper legal documentation will not be sufficient. Furthermore, many organizational and security measures cannot even be put into practice without legal documentation at the level of internal employee management acts, safety guidelines, specifically modified contractual documentation with certain service providers, etc. Ensuring the security of personal data processing itself is, however, only one side of the coin. Companies also need to analyse whether they are obliged to perform a complex legal data protection impact assessment (DPIA), or to designate a qualified person as the data protection officer (DPO), etc.

The new data protection regulation also introduces a new standard for the rights of the individuals concerned, which in practice means that in certain cases it will be necessary to amend the architecture and functionalities of software used to process personal data (prevention of personal data leakage, introduction of anonymization of personal data, introduction of encryption of personal and other data, etc.).

The GDPR significantly increases not only penalties for violating the data protection rules but also creates completely new legal risks linked to the fact that the persons concerned can – regardless of the proceedings before the supervisory authority – directly bring civil actions for violation of their rights (e.g. in cases of personal data leak) in general courts. Also, a greater degree of international co-operation between supervisors and the new one-stop-shop



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institute may in practice mean that Slovak companies may be also penalized by the respective supervisory authorities from other EU Member States. These authorities will influence the sanctions imposed by our Office for Personal Data Protection of the Slovak Republic, which will have the status of the main supervisory authority. This fact may result in higher penalties than those we have been used to in Slovakia so far.

There are many obligations, changes and risks associated with the new data protection rules and the time for their implementation is getting shorter. If you are interested, it is possible to arrange a highly qualified consulting service in cooperation with our company to help you comply with all the new regulatory obligations that will specifically affect your company in the area of personal data protection.



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NOT TO BE MISSED

Important dates

Overview of important dates in the November 2017 can be found on our website: <http://www.mandat.sk>

ABOUT US

The companies **MANDAT CONSULTING, k.s.** and **MANDAT AUDIT, s.r.o.** were founded in 2004 as tax advisory and auditing companies. Since their establishment, they have been providing small, medium-sized and companies active in Slovakia with services in the field of tax consultancy, audit and accounting. Long-lasting cooperation with foreign advisory companies hand in hand with the competence of Slovakian tax advisors and auditors enables us rendering our service to the clients originated from abroad.

In present time, 41 well trained members of our staff are at the disposal to our clients.

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