

BRITISH BUSINESSES HAVE TO COMPLY WITH THE FORTHCOMING EU GENERAL DATA PROTECTION REGULATION (GDPR), WHICH COMES INTO FORCE ON 25<sup>TH</sup> MAY 2018. BUSINESSES IN THE GAMES INDUSTRY SHOULD START PREPARING NOW TO ENSURE THEY DON'T FALL SHORT AND RISK HUGE FINES.

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## EU GENERAL DATA PROTECTION REGULATION (GDPR) WHAT GAMES DEVELOPERS, PUBLISHERS & CREATIVES NEED TO KNOW

### 1 SIGNIFICANT FINES

The Information Commissioner's Office (ICO) will be able to impose fines of €20m (£17m) or up to 4% of global annual turnover, whichever is the greater, for businesses who breach the regulations. As the ICO will need to fund its operation via these fines it seems inevitable that fines will be imposed as soon as the legislation is in force.

### 2 AWARENESS & BUDGETS

Directors will need to ensure that they use the little time that is left before 25<sup>th</sup> May (six weeks) to raise awareness of the new regulations internally and put in place the necessary structures to ensure compliance. Crucially, is a budget in place to fund the compliance activities required by your business?

### 3 SELF-NOTIFICATION OF DATA BREACHES

The GDPR expects businesses to have the right internal procedures in place to detect, report and investigate a personal data breach and to proactively notify the ICO of any breach of these regulations.

### 4 APPOINT A DATA PROTECTION OFFICER

Businesses may be required to designate a Data Protection Officer to take responsibility for data protection compliance within the organisation.

### 5 INFORMATION YOU HOLD

Your business is required to document which personal data it holds, where it came from and who the business shares it with.

### 6 COMMUNICATING PRIVACY INFORMATION

The GDPR requires additional information to be supplied to individuals, including the need to identify the legal basis for processing data, the data retention periods and the right that individuals have to complain to the ICO if there is any problem with the way in which their data is being managed.

### 7 INDIVIDUAL RIGHTS

The GDPR provides individuals with enhanced rights to determine the manner in which their data will be managed and processed.

### 8 SUBJECT ACCESS REQUESTS

Businesses will no longer be able to charge individuals for dealing with their subject access requests. Also, the previous deadline of 40 days for compliance will reduce to just one month.

### 9 CONSENT

If relying on consent, businesses are required to obtain a positive indication of agreement to personal data being processed. This consent cannot be inferred from silence, pre-ticked boxes or inactivity.

### 10 CHILDREN

Special protection is provided for within the GDPR for the processing of children's personal data. Businesses will need a parent or guardian's consent in order to process children's personal data lawfully.

### PLANNING AHEAD

Any business in the games sector must plan an approach to GDPR compliance now.

Having a budget and strategy is a good start, but ultimately, 'buy in' and leadership from key directors is imperative.



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