

Fact Sheet 1:

The main concepts of the GDPR

Since the 25th of May 2018, the **General Data Protection Regulation** (“GDPR”) is applicable. The main purpose of the GDPR is to give individuals control over their personal data and requires companies that manage data to justify the collection and retention of personal data, to ensure its security and confidentiality, to inform data subjects about their rights (modification, deletion, data portability, etc.) and to appoint a Data Protection Officer (“DPO”) in certain cases.

“**Controller**” means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data (public administration, private company, association, etc.).

The “**DPO**” is not compulsory unless certain conditions are met. A data protection officer is strongly recommended to centralise the measures required by data management. Appointing a DPO does not relieve the manager of his responsibilities for data management.

“**Personal data**” means any information relating to an identified or identifiable natural person. An “**identifiable natural person**” is defined as a natural person who can be identified, directly or indirectly, in particular by reference to an identifier, such as a name, an identification number, location data, an online identifier or one or more specific elements of his or her physical, physiological, genetic, psychological, economic, cultural or social identity.

From their personal data, a person can be identified directly or indirectly:

- If your organisation processes the surname or first name of an individual for example, this personal data allows the direct identification of that individual;
- If your organisation processes an individual’s customer number or booking reference for example, this personal data may allow for the indirect identification of that individual.

“**Processing**” means any operation or set of operations which is performed on personal data or sets of personal data, whether or not by automated means.

This applies in particular to the following operations:



Collection



Storage



Reading



Adaptation



Structuring



Transmission



Conservation



Erasure

Constituting sensitive data under the GDPR:



Racial or ethnic origins



Political opinions



Religious or philosophical beliefs



Trade union membership



Health (Physical or Mental)



Sex life or sexual orientation



Genetic data



Biometric data

