The European Commission has published its draft General Data Protection Regulation, proposing many changes to the existing regime, some of which have been made since the first leaked draft. Though it has addressed some of the perceived shortcomings of the Data Protection Directive (95/46/EC), for example by reducing the amount of red tape in certain areas, it is widely recognised that the draft Regulation proposes a much tougher, more onerous data protection regime.

Irish organisations in particular may be hit hard by the harmonisation of data protection laws (due to the law taking the form of a Regulation rather than a Directive) bringing compliance up to a higher level than Irish organisations are accustomed to. (For further comment on this, see the expert comment on pages 2 and 3 of this edition).

Whilst Commissioner Reding has exempted organisations with less than 250 employees from the mandatory appointment of Data Protection Officers, the exemptions for small businesses are relatively limited and, for the most part, benefit small businesses where data processing activities are ancillary to the business.

Numerous other newly prescribed obligations (such as mandatory Privacy Impact Assessments), are likely to be expensive for organisations of all sizes.

Bridget Treacy, Partner at Hunton & Williams, highlights two significant changes that will impact data processors and non-EU entities: “Under the draft Regulation, data... (Continued on page 18)