GDPR AND INTERNATIONAL ORGANISATIONS

ICA/SIO Meeting
UN, New York
May 2018
General Data Protection Regulation (GDPR)

GDPR Background

- Legal act of the EU on the protection of personal data
- Replaces the Data Protection Directive of 1995
- Entry into application on 25 May 2018

Goal is to:
- Strengthen citizens' fundamental privacy rights
- Facilitate business by simplifying rules

"Natural persons should have control of their own personal data"
PERSONAL DATA - DEFINITION

“any information relating to an identified or identifiable natural person (‘data subject’).”

“An identifiable natural person is one 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 to one or more factors specific to the physical, psychological, genetic, mental, economic, cultural or social identity of that natural person.”
APPLICABILITY

GDPR applies to:

- Data controllers
- Data processors
- Data subjects

AND territorial scope:

- Controllers and processors with an establishment in the EU
- Foreign companies
- GDPR does not apply to activities that fall outside the scope of European Union law
KEY PRINCIPLES

- Lawfulness, fairness and transparency
- Purpose limitation
- Data minimisation
- Accuracy
- Storage limitation
- Integrity and confidentiality
International organisations and activities related to foreign policy and (international) security are exempt from the GDPR.

EU institutions and bodies are subject to the rules of Regulation 45/2001; the rules are being updated to align them with GDPR (proposal for a new Regulation from 10.01.2017).
BUT

BUT:
Moral obligation to protect personal data held by the organization
Business with national data controllers and processors
Data of international organisations on national contractors IT system

USEFUL RESOURCE:
Handbook on Data Protection in Humanitarian Action
IMPACT ON ARCHIVES

Personal data collected on visitors

Personal data in holdings

http://www.rluk.ac.uk/about-us/blog/general-data-protection-regulation-is-it-important-for-a-library-or-archive/
General Data Protection Regulation – Is it important for a Library or Archive?

UPDATE [18 August 2017]: The Department for Digital, Culture, Media & Sport has published the outcomes of the call for views. RLUK responded to the inquiry, and submitted a letter to the Minister.

Benjamin White, Head of Intellectual Property at the British Library highlights the forthcoming implications from the new General Data Protection Regulation (GDPR) for libraries and archives.

Since the Edward Snowden leaks in 2013, which made clear the extent of internet surveillance by the security services, hardly a day goes by without some story in the media relating to our online privacy. For example last year we saw the biggest data hack in history with over 1 billion user accounts being compromised. In the UK the 2015 Talk

Currently DCMS is undertaking a consultation on the GDPR, with a deadline of 10 May 2017. RLUK, British Library, National Library of Scotland and the Archival Records Association are working together to ensure the voice of the sector is fully and accurately represented.

What seems clear is the starting point of all this is underpinning legislation that defines for the first time in UK law what an archive is, or perhaps more accurately what the activity of archiving entails. Once this is implemented, subject to DCMS introducing the GDPR exemption for archiving, organisations that hold personal data (and put online historical materials that include information about living individuals) will be better protected from the law.

Working with David Zeitlyn, a professor of social anthropology at the University of Oxford, a small workshop was arranged at the British...
THANK YOU

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