

## GENERAL DATA PROTECTION REGULATIONS CHECKLIST

For any questions or queries, please contact Adam Gilbert on 01283 526229 or  
[adam.gilbert@elselaw.co.uk](mailto:adam.gilbert@elselaw.co.uk)

**DISCLAIMER:** THIS QUESTIONNAIRE BUILDS FURTHER TO THE QUESTIONS RAISED IN THE DATA PROTECTION ACT COMPLIANCE QUESTIONNAIRE & ON REVIEW OF YOUR CURRENT POLICIES THIS FURTHER CHECKLIST SHOULD BE USED TO ASSESS WHETHER YOUR ORGANISATION'S POLICIES AND PROCEDURES ARE SUITABLE FOR GDPR COMPLIANCE. FOR THE AVOIDANCE OF DOUBT THE ANALYSIS PROVIDED BELOW MUST FORM AND SUPPORT A LARGER CONSULTATION PORTFOLIO THAT YOUR ORGANISATION SHOULD SEEK TO BUILD BEFORE THE IMPLEMENTATION OF THE GDPR REGULATIONS

<u>QUESTION</u>	<u>YES/NO/UNSURE</u>	<u>FURTHER COMMENTS</u>
Does your organisation offer goods and services to individuals in the EU, irrespective of whether payment is required?  Any UK activity would also count		
Do you monitor individuals' behaviours in the EU/UK?		
How do you acquire consent/ what methods are employed to acquire consent from <b><u>any/ all</u></b> data subjects within your organisation?		
Do you keep a record of that consent – including how and when given and a copy of that specific consent?		
Is consent to use an individual's data acquired contractually? (if so please comment as to how it detailed in the contract)		
Can consent of an individual's data be withdrawn at any time and in an easy manner?		

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Do you present consent in a 'take it or leave it' fashion? (if you are unsure please state the wording you use to obtain consent)		
On request, is an individual's data provided at the point of collection or within a reasonable period afterwards?		
Do <b><u>all</u></b> data subjects have a right of access to their data?		
Do <b><u>all</u></b> data subjects have a right of rectification to their data?		
Do <b><u>all</u></b> data subjects have a right of erasure to their data?		
Do <b><u>all</u></b> data subjects have a right of restricting the processing of their data?		
Do <b><u>all</u></b> data subjects have a right to data portability? (the right to have data transferred to other parties) – would only apply if the service you provide is portable to another organisation for example telecoms		

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Do <b><i>all</i></b> data subjects have a right not to be subject to decisions based solely on automated processing?		
Does your organisation keep a record of data protection policies?		
Does your organisation carry out data protection impact assessments on a regular basis?		
Does your organisation have a process for reporting and consulting with data protection authorities on high risk activities?		
Does your organisation require a mandatory data protection officer - i.e. for controllers and processors for the public sector and big data processing activities?		
Does your organisation have sufficient measures in place to notify authorities within <b><i>72 hours</i></b> of spotting a data protection breach?		
Has your organisation made key decision makers aware of the regulation changes/ requirements?		

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Does your organisation document what personal details are held and where/ how they are sourced?		
How often do you update data protection policy procedures?		
Has your organisation identified the legal basis for which data processing occurs for each instance of processing and is this documented?		
Does your organisation put systems in place to verify an individual's ages and to gather parental consent for data processing activities where required?		
Alongside procedures for reporting, what procedures does your organisation have in place to detect personal data breaches?		
Who is your designated data protection officer (if needed)?		
Does your organisation document compliance with the Information Commission Office guidelines with regard to GDPR?		

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For organisations that operate on an international basis, has it been determined which data protection supervisory authority is the correct regulator for that organisation?		
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**SUMMATIVE ASSESSMENT (SOLICITOR COMMENTS)**

<b>TO WHAT EXTENT DOES THE REGULATION AFFECT THE BUSINESS?</b>
<b>PRACTICAL MEASURES TO BE TAKEN?</b>
<b>MECHANISMS TO IMPLEMENT SUCH MEASURES?</b>

**STATEMENT OF REVIEW**

I confirm that the contents of this statement are true to the best of my knowledge and belief.

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**DIRECTOR OF:**

DAY                      MONTH                      2017

**REVIEW CARRIED OUT BY**

.....

**(SOLICITOR)**

DAY                      MONTH                      2017