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education, membership
and recognition

International transfer of data including SOX and European data transfers

Sian Odgers
activpayroll



Membership | Qualifications | Training | Payroll Assurance Scheme
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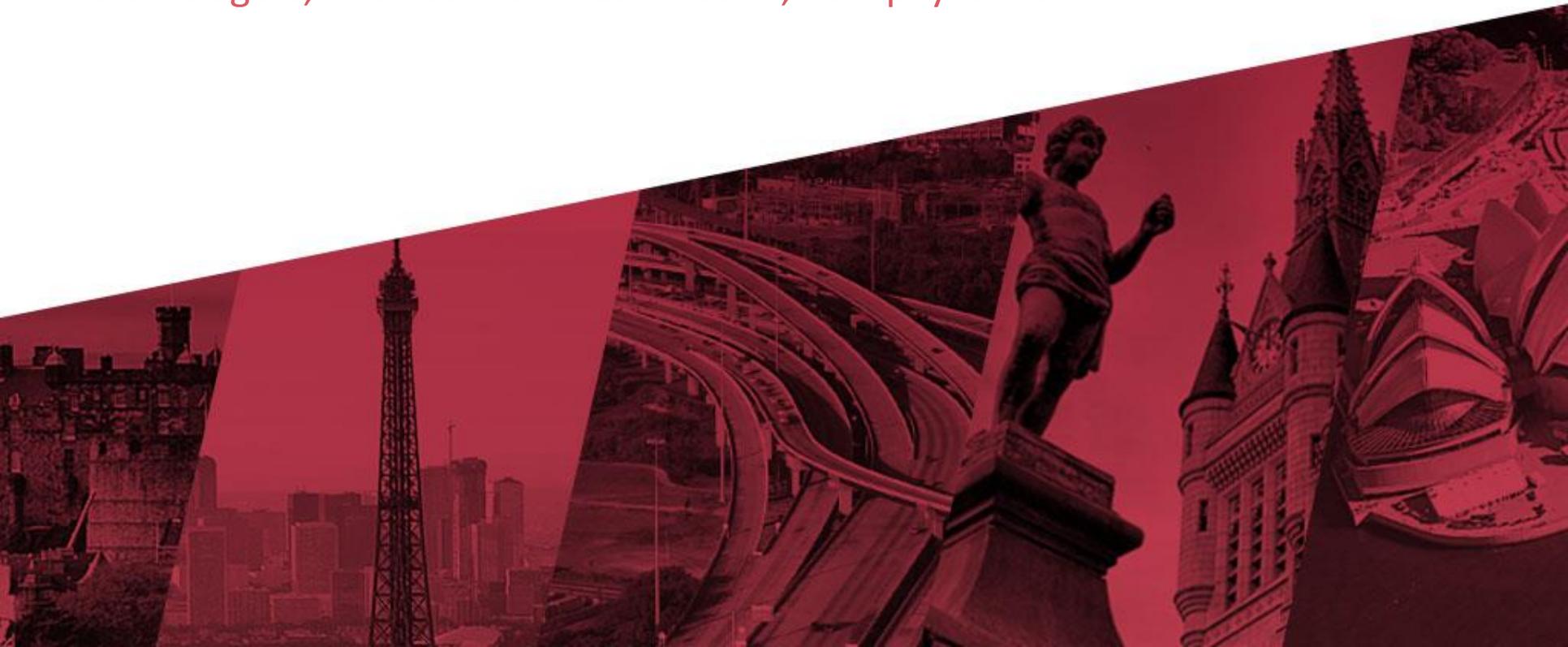


cipp the **chartered institute**
of **payroll professionals**
leading the profession



International Transfer of Data

Sian Odgers, Business Services Director, activpayroll Ltd





Destination Decisions



**Does it matter
where my data is
going to or coming
from?**

In short, **YES!**

Data should NOT be transferred
unless adequate protection exists
(Principle 8 of UK's DPA)

Is it that simple?

In short, **NO!**

Intended Use

Source country

Destination country

Data (Type AND Content)

“Specific Protection”

Are **ALL** important...

Is it that simple?

...as is “How” the data is transferred...

Is it that simple?

...and the fact that each individual country may have their own rules / regulations for data protection!

Might the “*Model Clauses*” or “*Binding Corporate Rules*” be a better option...

**Is it all about
where from and
where to?**

*The difference between “Transfer”
and “In Transit” is important to
understand...*

**Where can I get
more information?**

***Information Commissioner's Office -
<https://ico.org.uk>***

***Home Page of the EU GDPR –
<http://www.eugdpr.org>***



Happy Birthday SOX!



**30th July 2017
marked SOX's 15th
Birthday!**

Sarbanes-Oxley (SOX) introduced in the USA in 2002

Increased the obligations (and penalties) for financial irregularities within corporations

Was quickly adapted / adopted by several other countries

Why is SOX important in the UK?

Many UK companies have US listings

Many UK companies provide services to US companies

Increased online connectivity and IT systems

Responsibility with company Directors (fines and prison both possible!)



SOX vs GDPR



**There are parallels
but not
competition...**

Both SOX and GDPR are far reaching and bring huge potential repercussions

Both SOX and GDPR will bring additional control and protection

SOX is focused on financial reporting

GDPR is focused on Data Protection



What difference does the G make?



**GDPR becomes law
25th May 2018**

**GDPR applies to *all* EU Member States
(including the UK!)**

**Covers over 500 Million citizens and 20
Million businesses**

**For *some* Member States GDPR is an
enhancement...**

...for others...

**GDPR becomes law
25th May 2018**

GDPR compliance will soon *become a requirement* for any organisation doing business with “Europe”

If you are currently subject to the DPA, *it is likely* that you will also be subject to the GDPR

GDPR applies to “controllers” and “processors”

So what is different between the DPA and GDPR?

Some small (but important) detail differences in definitions from the DPA

Accountability

The Data Controller is *responsible* for and able to *demonstrate* compliance with the GDPR principles.

GDPR – main principles for Personal Data (per Article 5)

Be processed *lawfully*

Include data for *specified, legitimate purposes*

Only include data required for the purpose

Be *accurate* and up to date

Remain *personally identifiable* for as short a period as possible

Be processed in a *securely*

GDPR enhances (or introduces) the right for subjects:

to *Informed*

to *Access*

to *Rectification*

to *Erasure*

to *Restrict Processing*

to *Data Portability*

to *Object*

Repercussions?

Two tiered sanction scheme applies:

20 million Euros or 4% of Turnover!

10 million Euros or 2% of Turnover!

And of course the damage to reputation!



Thank you

Any questions?

