



MYTHBUSTING: General Data Protection Regulation

Fact sheet | January 2019

When you are popular, people like to talk about you. Not all of it is true though. Allow us to serve some General Data Protection Regulation (GDPR) realness.

 **FALSE!**

GDPR completely changes the way organisations need to handle their data

The EU has had data protection rules since 1995

The GDPR is not a completely brand-new set of EU data protection rules. It's an evolution of the existing set of rules, based on the strong data protection principles set out in the [Data Protection Directive](#). These rules have been around since 1995, so it's time to make sure that they're fit for the digital age.

GDPR makes sure that personal data are protected in Artificial Intelligence (AI)

The protection of personal data is a fundamental right in the EU. As such it applies also to processing of personal data through artificial intelligence and robotics. However, when the data used for AI are anonymised, then the requirements of the GDPR do not apply. GDPR has been designed to be technologically neutral and provides the framework for the development of an AI respectful of citizens. GDPR allows automated decision making where there is a justification either by a contract, explicit consent or a law, and provided that specific safeguards for the individuals concerned are applied, such as the right to receive meaningful information about the logic involved and the envisaged consequences of such processing on them.

 **FALSE!**

GDPR will stifle European innovation in the field of artificial intelligence (AI)

 **FALSE!**

Landlords cannot put the names of tenants on the doorbell

Consent is not the only legal basis for processing data

The GDPR does not require names to be removed from doorbells or mailboxes. Consent is only one of the legal bases on which data can be processed under the GDPR. Another legal basis applicable in this case is "legitimate interest" as people need to know who lives in a flat in order to contact the person at hand and for distributing mail. If names on doorbells are addressed in the rental contract; the contract as such is another potential legal basis.

 **FALSE!**

GDPR
is overwhelming
for small
businesses

The obligations are not the same for all companies and organisations

The GDPR is not meant to overburden SMEs. The obligations are calibrated to the size of the business and/or to the nature of the data being processed. Smaller companies, processing less data and not processing sensitive data, such as political views and sexual orientation, will have fewer obligations to follow. For example, not every company has to appoint a Data Protection Officer or carry out a data protection impact assessment.

The GDPR supports freedom of the press

The new data protection rules take into account the freedom of the press. This means that journalists are still able to do their work and protect their sources. EU Member States shall, when necessary, provide for exemptions or derogations to the press in their national laws.

 **FALSE!**

GDPR
makes
journalism
harder

 **FALSE!**

Well anyway,
Facebook
is based
in the US...

Non-EU companies have to comply with GDPR too

All companies operating in the EU market will have to comply with the new rules, no matter where they are based and where their data processing activities are taking place. All companies will be subject to the same sanctions if they break the rules. This creates a level playing field for both EU and non-EU companies.

Companies have to ask for consent a second time if they want to use your data for a second purpose

The GDPR states that personal data cannot be used without the consent of the person concerned. If a company collects a person's data for a certain purpose, and then wants to use the data for another purpose, or forward it to a third party, they must ask for the person's consent again. Where your consent has been requested to process your data, you can, at any point in time, ask the organisation to stop processing it by withdrawing your consent. They must do so if they have not relied on any other legal grounds for processing your data.

 **FALSE!**

GDPR
does not give us
more control as
companies simply
ask for consent
once and then
they do what they
want with my data

 **FALSE!**

GDPR
hinders
political
campaigning

Political parties can process data for campaigns – but only for reasons of public interest

The GDPR does not ban political parties and campaign groups from processing personal data for political purposes. But the rules do clarify that they are only allowed to do this for reasons of public interest and provided that appropriate safeguards are established.

 **FALSE!**

We need more time to adapt to these complicated rules

Two years was not enough?

When the GDPR came into force on 24 May 2016, a two-year transition period was provided to give companies time to bring their practices into line with the new rules. This transition period ended on 25 May 2018. As of now, the data protection supervisory authorities have the power to sanction those who are not compliant with the new rules.

Breaking the rules doesn't automatically mean a €20 million fine – warnings exist too

The GDPR establishes a range of penalties for those who break rules. As well as fines, there are other corrective measures like warnings, reprimands and orders to comply with data subject's requests. The data protection supervisory authorities' decision to impose fines must be proportionate and based on an assessment of all the circumstances of the individual case. If they decide to impose a fine, then €20 million or 4% of annual turnover is the absolute maximum amount. The amount of the fine depends on the circumstances in the individual case, including the gravity of the infringement or if the infringement was intentional or negligent.

 **FALSE!**

The fines under GDPR can kill a business

 **FALSE!**

GDPR will ruin Christmas

GDPR does not prevent children from writing to Santa

It's accurate to say that the GDPR rules are designed to protect your personal details being used without your permission, but nowhere under these rules are children prevented from publicly telling Santa Claus what they want for Christmas. It is up to the parents to decide whether their kids can share their wish list publicly or not.

Stay with the facts
europea.eu/dataprotection

