

The challenges that SMEs (still) face

Mrs. Irina Yaneva, Attorney-at-law, CIPP/E
Manager, EY Law



Written by _____

EY

Building a better
working world

The challenges that SMEs (still) face



1

The requirement to apply the principles of “privacy by design” and “by default” into the process of developing and launching new technologies, products, services, etc. (layered privacy notices, consent dashboards, cookie information & consent)

2

The GDPR takes vendor selection and agreements to a new level. An organization has to determine whether, in any given transaction, it acts as the controller, joint controller, or processor. Often, in practice, the SMEs do not have the expertise or choice to contractually assign the proper roles.

3

SMEs struggle to identify the appropriate legal instrument to effect cross-border data transfers. The SCC are found to be burdensome for SMEs, especially where they are entering a new market through a new counterparty. Following the CJEU’s decision to invalidate the EU-US Privacy Shield for cross-border transfers of personal data the SMEs have to revise their website and cookies used.

4

Privacy impact assessments have become an essential part of the risk management regime for most projects. Significant efforts are now directed toward providing appropriate guidance on how to conduct privacy impact assessments. Appropriate assessments of privacy invasive technologies, justification of projects, collection and handling of big data pose challenges to PIAs.

5

A significant portion of SMEs lack the expertise and / or technological capacity to identify and adequately address the risks associated with data breaches.

The challenges that SMEs (still) face



6

The GDPR empowers the data subjects to control their personal data. The exercise of data subjects' rights has the potential to disrupt the daily operations of the SMEs.

7

SMEs are not yet adequately equipped to process and avail of the benefits of Big data.

8

The challenges of GDPR in employee privacy and how compliance shapes HR departments.



9

The potential impact of financial penalties and reputational damage makes it vital to embed data privacy compliance in the organizational culture and employee code of conduct.

What to do?



Data mapping

Privacy documentation
(policies, notices, legal grounds)

Training the personnel

The challenges that SMEs (still) face



Thank you!