



# DELIVERABLE

Project Acronym: **SMEDATA II**

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Project Title: **Ensuring the Highest Degree of Privacy and Personal Data Protection through Innovative Tools for SMEs and Citizens**

Work Package: 2

## D2.5 Evaluation Report

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| Dissemination Level  |  |   |
| PU   | Public (after final adoption)  | X |
| CO   | Confidential, only for members of the consortium (including the Commission Services) |   |



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## **I. Introduction**

The paper will assess the effectiveness of the conducted awareness trainings as well as elaborated e-training materials for SMEs in order to ascertain whether the overall outcomes resulting from these activities have been achieved and to evaluate their European aspect. This will be carried out through reviewing the activities carried out within Work Package 2 of the SMEDATA II project (“Project”) and the feedback received from the participants.

### **1. SMEDATA II project:**

The SMEDATA II project was developed by the Consortium members:

- Commission for Personal Data Protection (CPDP),
- APIS Europe,
- Union of Bulgarian Jurists (SAJUZ),
- Ernst and Young (EY),
- European Women Lawyer Association – Branch Bulgaria (EWLA – BG),
- Garante per la protezione dei dati personali (Garante) and
- University UniRoma Tre (UniRoma3),

(“Partners”) with the following main objectives:

- Preparation for the effective application of the General Data Protection Regulation (“GDPR”) through further awareness, deeper multiplying training and sustainable capacity building for SMEs and citizens;
- Assisting the understanding and compliance with GDPR through continuous upgrade of a mobile app “GDPR in your pocket”.



The Project continues already presented innovative approach for addressing simultaneously both business and citizens. The realised actions offer a comprehensive methodology for increasing knowledge and understanding among business, in particular SMEs, about data protection rules by concerning the need for capacity-building and specialised information. The approach consisted of three complimentary stages, Work package 2 (WP2) “Awareness and training”, WP3 “Mobile Application” and WP4 “Dissemination and communication”.

SMEDATA II project as its predecessor has extensive European dimensions. The results and deliverables of all WP are based on approaches for taking into account the needs of individuals, private entities, non-government organisations, data protection authorities, academia from all EU countries. Each of the WP were based on already conducted researches on the principles of sampling in common needs in the light of the WP scope and tasks on European level.

## **II. Methodology to ensure most effective implementation of SMEDATA II activities**

### **1. Methodology for implementing the SMEDATA II awareness raising events**

The methodology for implementing the SMEDATA II awareness raising activities included the organisation and delivery of 6 regional awareness raising events (3 in Bulgaria and 3 in Italy) in order to directly address the need of additional knowledge and competences in implementing the GDPR in everyday processing procedures of SMEs. The events in Bulgaria were organised in the cities of Varna, Plovdiv and Sofia and the events in Italia in the cities of Modena, Roma and Salerno. The target group consisted of representatives of the SMEs and legal professionals at SMEs. The total number of participants reached within the 6 awareness raising events was 664. Each of the awareness raising events lasted



about 8 hours, usually between 9.00 and 17.30 EET, including one-hour lunch break. The agenda of the awareness raising events included three lectures for 3 hours in total in the morning with one 30-minute coffee-break, and again three lectures for 3 hours with one coffee-break in the afternoon. These forums were used as major dissemination and communication tools for which organisation the partners sent several thousands of invitations to potential participants.

The topics discussed within the events included the following:

- How the lawful processing of personal data can be a competitive advantage;
- The new developments in the roles and responsibilities of the data controllers and data processors;
- The new challenges in processing special categories of data;
- Privacy by design and privacy by default;
- How to use personal data in a legal way in order to boost our marketing activities;
- Benefits and opportunities of introducing Big Data and AI in the data processing;
- Opportunities and challenges for the business envisaged in the 2020 European Strategy for Data; International transfers of personal data.

The content of the awareness raising events provided participants with the necessary awareness and knowledge and improved their skills to face the challenges associated with the new developments at EU and national level and the specific impact they will have on their business, including by providing them with a roadmap toward achieving compliance. The events were focused on more detailed and specific issues which the SMEs encounter in their business activities and daily operations and aimed to build upon the results of the awareness raising events and trainings previously conducted as part of the Project SMEDATA I and thus, they fine-tuned the knowledge of SMEs and associations of SMEs about close areas of law, such as the additional data privacy legislation. The awareness raising events also placed particular emphasis on the recent practice of the



European Data Protection Board (“EDPB”) and the national supervisory authorities in Bulgaria and Italy which has developed considerably since the previous awareness raising and training events conducted as part of the Project SMEDATA I.

Each of the six awareness raising events was conducted interactively providing the participants with the opportunity to ask questions and engage in discussions during each module. The lecturers acted also as moderators streamlining the discussions held among the participants and gathering their feedback on the topics discussed. The participants were encouraged to share real life examples where they faced difficulties in understanding or implementing the requirements for personal data protection.

Speakers also shared their experience in the capacity of data privacy professionals, including with regards to complex topics such as adequate level of technical and organisational measures and data breach protocols, digital, email and social media marketing, processing of special categories of data in the context of Covid-19, transfer impact assessments, etc.

Information about practical issues and case studies, among others, was provided to all participants. Electronic copies of the presentation slides and the schedule of the awareness raising events were published on a designated section of the project’s website.

Case studies focused on the topics below were discussed among the participants:

- Privacy by design and by default, including specific issues related to technical and organisation measures;
- Privacy Notice in the context of processing of data in the digital environment;



- New developments in contractual relationship management between controllers and processors;
- Personal data transfers, the new Standard Contractual Clauses and transfer impact assessment;
- Digital marketing and tracking technologies, such as “cookies”;
- Processing of special categories of data by employer in the context of Covid-19, including retention of such data;
- Emerging technologies, such as Artificial Intelligence and Big Data and their point of contact with the legislation for personal data protection.

In order to achieve sustainability of the WP2 results, streaming and recording of these events were organised and disseminated.

## **2. Evaluation methodology**

The evaluation of the effectiveness of the awareness raising events was of crucial importance for the success of the SMEDATA II project.

Feedback on the conducted events was accumulated through dissemination of questionnaires both in Bulgarian and English language. A 1-5 evaluation system was implemented in the questionnaires Very poor (being the lowest grade) and Very good (being the highest grade). All forms regarding the feedback were disseminated at the events conducted on spot in Bulgaria and Italy and collected at the end, after which an evaluation was performed on the combined data from all events. A table was prepared to calculate and provide the average level of performance in accordance with the grades received through the feedback. The statistical data accumulated through the feedback was used to assess the impact and implementation of the awareness events.

Content of the Questionnaires includes:

1. Please rate the following aspects of the training:



- a) Topics and contents (1-5 grading system)
  - b) Speakers/facilitators (1-5 grading system)
  - c) Organisation (1-5 grading system)
2. Please rate the extent to which the training gave you the possibility to do the following:
- a) Exchange best practice (1-5 grading system)
  - b) Gather useful information for my field of work (1-5 grading system)
  - c) Increase skills (1-5 grading system)
3. How do you rate the Level of Cooperation and Sharing between participants during the training? (1-5 grading system)
4. In general, what is your opinion about this training? (1-5 grading system)
5. In particular, what is your opinion about the material produced during the training? (output) (1-5 grading system)
6. Could you summarize this experience in just one word?

The main focus of the post-events assessment was the ascertainment of whether the overall outcome of the awareness raising events has been achieved and the evaluation of their EU aspects. The evaluation helped to determine what made the actions successful or find the errors in the needs' assessment, for example, an important gap or insufficient allocation of resources.



### **III. Assessment/Evaluation of the conducted awareness raising events**

A standard Feedback form was applied in the awareness raising events. Participants from all events were invited to share their opinions anonymously.

- Over 95% of the participants rated the topics and content of the events as “very good” or “good”;
- Nearly 97% assessed the speakers/facilitators as either “very good” or “good”. More than 95% of all attendees rated the overall organisation as “very good” or “good”;
- Between 85% – 90% of the participants shared that conducted events “extremely” or “largely” (“very”) helped for exchanging best practices, gathering of useful information for the field of work and increasing skills;
- More than 96% of the events attendees assessed the conducted events as “very good” or “good”.

### **IV. Key takeaways and next steps**

The key takeaway from the awareness raising events is that there is significant interest on part of the SMEs in learning about more sophisticated and advanced issues related to processing of personal data, including but not limited to international transfers of data, use of cookies, processing of personal data for marketing purposes, technical and organizational measures. The events were attended by hundreds of participants who actively engaged in discussing different aspects of the data protection legislation and practices of the data protection authorities and were interested in practical compliance approaches. A genuine desire to provide protection of privacy rights for SME’s employees, clients and partners has been present throughout each event.

Nevertheless, SMEs still consider the data protection requirements complex, resource consuming and overwhelming to comply with, especially for small enterprises. In addition, SMEs find it particularly challenging to address privacy



concerns related to their digital presence and social media profile given that they are in no position to negotiate with the Big Tech or cookie providers in order to ensure adequate level of protection of the data subjects who visit their fan pages or websites.

SMEs gained certain level of expertise and experience in legal, technical and organisational aspects of the GDPR since the first rounds of events which formed part of the Project SMEDATA II. However, they still face challenges when dealing with more complex issues such as compliance with the privacy by design and by default requirements and the requirements for international transfer of data, processing of personal data in the context of digital marketing and in the context of Covid- 19. Most small to medium-sized companies in Bulgarian and Italy are insufficiently staffed with legal and IT professionals, while the services offered by external specialized companies are a significant financial burden for them.

Moreover, inconsistent approaches in the application of the GDPR are still present throughout the different EU Member-States which further impede the international commercial activities undertaken by SMEs alongside the free flow of goods and services within the EU.

Further to this, SMEs which act as personal data processors are forced by their partners – controllers – to comply with requirements unilaterally imposed by the bigger and more resourceful companies. Such requirements (i.e., high-end segregation of digitally processed data) may not always be in line with the GDPR and place a financial and logistical burden on SMEs. And vice versa, it was communicated during the awareness events that the imbalance of power of a small data controller with respect to big service providers often forces data controllers to accept terms which are not fully compliant with GDPR.



The SMEs face considerable difficulties in assessing the level of risk associated with the processing operations taking place within their organisations. Consequently, they often cannot identify the most appropriate and proportionate technical and organisational measures as well as the most adequate steps that shall be taken in case of an identified data breach. Another great challenge related thereto is lack or insufficient financial resources to implement technical and organisational measures to fully comply with the data protection requirements. Compromises are often made with the IT infrastructure in place, as well as with the design feature of the online products / services.

The discussions held during the awareness raising events demonstrated that most of the SMEs are fully aware of their obligations related to international transfers of data. However, many SMEs struggle to perform transfer impact assessments in practice and to apply the guidelines established by the EDPB and in the case law of the CJEU in that regard.

The SMEs further find it challenging to navigate and comply with the data protection and ePrivacy regulations governing digital marketing and tracking technologies such as “cookies”.

Last but not least, the high level of subjectivity in applying the GPDR still presents a major challenge for SMEs. In order to achieve a coherent approach in applying the EU data protection legislation, SMEs prefer having in place model documents issued by the data protection supervisory authorities which would facilitate their understanding of key GDPR provisions (e.g., model registers of processing activities, privacy notices, consent forms, legitimate interest balancing tests, etc.).



## V. Conclusions

The SMEDATA II project was developed with the following main objectives:

- Preparation for the effective application of the GDPR through further awareness, deeper multiplying training and sustainable capacity building for SMEs and citizens;
- Assisting the understanding and compliance with GDPR through continuous upgrade of a mobile app “GDPR in your pocket”, in order to achieve following results:
- High level of awareness about the European data protection rules among SMEs and citizens;
- Built capacity on data protection issues for the management and expert staff of associations and other bodies representing SMEs with multiplying effect for their members;
- Common understanding among business organisations about the benefits for business operators and customers of implementing measures of a GDPR-compliant methodology;
- Exchanged experience and best practices among project partners and the participants of the international conference organised within the project framework;

The project succeeded in achieving these main purposes.

Throughout the awareness raising events, SMEs received adequate and comprehensive information on how to apply the requirements and implications of the new developments in the field of data protection, as well as what to expect in the future in terms of upcoming legislative changes at EU level. As a result, it may be expected that small and medium-sized organisations in Bulgaria and Italy are now better prepared to deal with the challenge of applying the EU data protection rules. Moreover, since SMEs play a crucial role in the economic development



Bulgaria and Italy, the project's results shall reciprocate throughout the whole business environment in both countries.

In conclusion, the SMEDATA II project made an advance in ensuring better collaboration between national data protection authorities and SMEs which further facilitates their capacity to address privacy concerns and individuals' control over their personal data.

## **VI. Further steps for ensuring sustainability of the results**

The project partners are self-sustainable organisations with stable and constant financial resources and significant experience in project management and fund raising. Thus, after the successful implementation of the project, they will continue building up and expanding its effect.

The project will have long-term impact on the target group:

Representatives of SMEs as part of the target group– throughout the project various prerequisites, appropriate conditions and opportunities will be created that will raise their awareness and will build up the understanding on ensuring compliance of their businesses with the requirements of the GDPR and the EU and national practice to its implementation. Legal professionals and citizens as a whole as part of the target group– have acquire new skills, information and knowledge, which they will apply further in their work. They also will have better understanding of the GDPR Framework and their respective rights and obligations.

A wide variety of communication channels, tools and media were and are used for the distribution of the project messages and methodology to the different participants' groups. These include:



- National networks – Project Partners have wide-spread contacts with business and professional organisations in Bulgaria and Italy and networks of local representatives who conveyed the project messages;
- EU network – the partners EY and EWLA have extensive networks covering all EU Member States; through the channels of those EU wide networks, the Project results received a broad European dissemination. For instance, EY, as a partner in the consortium took the responsibility to enrich the impact of the project results via its largest worldwide network which includes 230,000 highest-performing professionals that serve in 150 countries and more than 700 offices globally;
- Project website, websites of the partners and websites of the multipliers;
- Social media networks – the project has created profiles on Facebook and LinkedIn;
- Newsletters – newsletters have been distributed via the existing lists with contacts of the partners (e.g. the partner APIS has distributed the newsletter via its web and desktop legal information products used by more than 50,000 customers, the partner SUB has sent it to its members and supporters, included in an e-mail list with more than 7,000 contacts, and EWLA has distributed it to all of its members across Europe);
- Project leaflet – the leaflet has been distributed at events organized by the partners outside the project framework.
- Updated Project mobile application – it is freely available for download from the mobile app stores and from the project website. From its content and functionality will benefit representatives of all target groups.
- Presentations at events of the wide network of multipliers.
- International conference – at the end of the project.



All of the abovementioned actions were undertaken to ensure a wide and long-lasting effect of the project results.

It could be concluded that the SMEs in Bulgaria and Italy would benefit from the design and development of standardized digitalized tools to help them navigate in a more cost efficient and effective manner through the field of data protection for the purpose of ensuring adequate protection of the data subjects' rights and interests, and, at the same time, building their own competitive position on the market.

In particular, most SMEs shared their concerns and lack of uniform approach towards the transfer impact assessment which is often perceived as overly complex issue by many of the SME representatives and legal professionals. Thus, the provision of a digitalized user-friendly standardized tool to support and guide the SMEs when performing transfer impact assessment would add to their understanding and compliance with the requirements of GDPR and the EU case law and practice, and, furthermore, it could potentially serve as a database with important up-to-date information about the laws and practices of third countries of transfer.

On the other hand, many of the questions raised during the events suggested that SMEs face challenges when dealing with security incidents and the immediate next steps they ought to take as well as to evaluate the adequate level of organisational and technical measures they need to implement in order to prevent the occurrence of data breaches without unnecessarily straining the organizations' limited resources. Therefore, a standardized digitalized risk assessment tool coupled with best practices examples would enhance the understanding and capabilities of SMEs to comply with the requirements of the GDPR.

