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# GDPR – (Doar) cateva idei

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# Agenda

## GDPR

1. Consimtamant – relatii cu clientii
2. Consimtamant – relatii cu angajati
3. Coduri de conduita la nivel de industrie

# GDPR

## Consimtamant

- **De ce este importanta obtinerea consimtamantului?**
  - Este una dintre optiunile prin care asiguram legalitatea unei prelucrari
- **Cand trebuie utilizat?**
  - Nu avem alt temei juridic pentru prelucrare
  - Putem oferi control real persoanei vizate (e.g. cresterea implicarii consumatorului)
- **Cand nu trebuie utilizat?**
  - Vom prelucra oricum datele, chiar si fara consimtamant
  - Il solicitam pentru furnizarea serviciului
    - » Temei distinct
    - » Conditioneaza serviciul, dar nu e necesar
  - Dezechilibru de putere

# GDPR

## Obtinere consimtamant - Checklist

- ✓ Am verificat daca am nevoie de consimtamant sau nu
- ✓ Solicitarea de consimtamant este evidenta si separata de alte doc
- ✓ Avem o manifestare expresa de acord: *opt-in*
- ✓ Nu avem casute pre-bifate sau alte forme implicite de acord
- ✓ Limbajul este clar si usor de inteles
- ✓ Spunem de ce solicitam datele si cum le vom folosi
- ✓ Permitted consimtamant pe scopuri
- ✓ Le spunem ca-si pot retrage acordul
- ✓ Ne asiguram ca nu vor suferi consecinte neplacute daca refuza
- ✓ Nu conditionam prestarea serviciului de acord

# GDPR

## Consimtamant angajati

- Ca regula, nu este un temei legal pentru prelucrare datorita diferentei de putere intre parti
- Nu se reduce la relatia clasica angajat/angajator, ci si la alte relatii dependente
- Sunt totusi situatii in care se poate solicita consimtamant:
  - Eg: transmitere date tert pentru obtinere carduri de reduceri la sala de sport
- Trebuie modificate contractele de munca, dar in sensul cuprinderii de obligatii de respectare a legislatiei
- De transmis notificari de informare

# GDPR

## Coduri de conduita

- Aderarea la un cod de conduita reprezinta un element ce e luat in calcul pentru a verifica respectarea GDPR
- Beneficii:
  - Efortul de dezvoltare are loc la nivel de industrie si poate crea transparenta, standarde unanim acceptate si mai multa certitudine
  - Codul de conduita se supune aprobarii autoritatii de supraveghere – mai multa certitudine
  - Poate contine mecanisme de conformare/avertizare ca pas premergator sanctionarii

Multumesc!

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