

Legal accelerator



Ten Things For Businesses To Consider Before Getting Data Protection Law Advice

The following is a checklist of ten things to consider before seeking data protection compliance advice:

1. **Are you processing “personal data”?** If the information does not relate to a specific identifiable individual, then the data is not “personal data” as defined by data protection legislation.
2. **Who is processing the data?** This is an important point to clarify; the legal entity which controls processing is the one which needs to comply with the law.
3. **Why is the data being processed?** You must tell people why their data is being used.
4. **Where is the data being processed?** The location of processing affects which countries’ laws may apply.
5. **To whom will data be disclosed?** Any disclosures of data need to be consistent with what people were told would happen to their data.
6. **Are there contractual restrictions?** You should consider whether there are existing contracts which restrict what you propose to do with the data.
7. **Are there other legal issues to consider than just data protection law?** For example, confidentiality, intellectual property or other legal restrictions on your use of the data?
8. **Might your business already have addressed this issue in the past?** Don’t reinvent the wheel – for example, reusing existing data protection notices and consents saves money and time.
9. **Have you checked for regulatory advice on this issue?** Regulators provide free plain English guidance on how to address most issues – see for example, www.ico.gov.uk.
10. **Have your legal advisers advised on this issue before?** If not, find some who have!

Contact Information

If you would like to discuss any of the matters raised in this document, or would like to receive a copy of the Legal Accelerator Market Report, please email:

info@legalaccelerator.com

or contact us via our website:

www.legalaccelerator.com

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Specialist advice should be obtained before taking, or refraining from taking, actions based on comments in this document which is only intended as a brief note on the issues involved.

For more information email info@legalaccelerator.com or visit our website at www.legalaccelerator.com