

# Data Protection Compliance



**pwc**





# Data Protection Compliance

We recognise that every business has unique characteristics requiring a tailored approach to data protection and associated levels of risk.

PwC can help you prepare for the risk assessments, from assessing your current state of compliance, through assisting you with your Transfer Impact Assessment, Data Protection Impact Assessment as well as maintain a record of processing activities, but not limited to them.

## What is a Transfer Impact Assessment (TIA)?

In July 2020, in its Schrems II judgment, the Court of Justice of the European Union (CJEU) decided that organisations (i.e. “data exporter”) who are using either EU Standard Contractual Clauses (SCCs) or any other transfer mechanism under Article 46 of the GDPR, are legally required to carry out a **Transfer Impact Assessment (TIA)** before transferring personal data outside the European Economic Area (EEA).

A **TIA** is a type of risk assessment that enables organisations (i.e. “data exporter”) to determine if the SCCs or other mechanism under Article 46 of the GDPR, that they intend using for transferring personal data outside the EEA, provides an adequate level of protection in the specific circumstances of that transfer.





## When is it required and who should conduct a TIA?

A TIA is only required when transferring personal data to a third country outside the EEA not covered by an European Commission adequacy decision. Conducting a TIA is a legal obligation for all EU-based data exporters, who intend to carry out a restricted transfer by relying on one of the transfer tools in Article 46 of the GDPR.

## Data Protection Impact Assessments (DPIA) under the GDPR

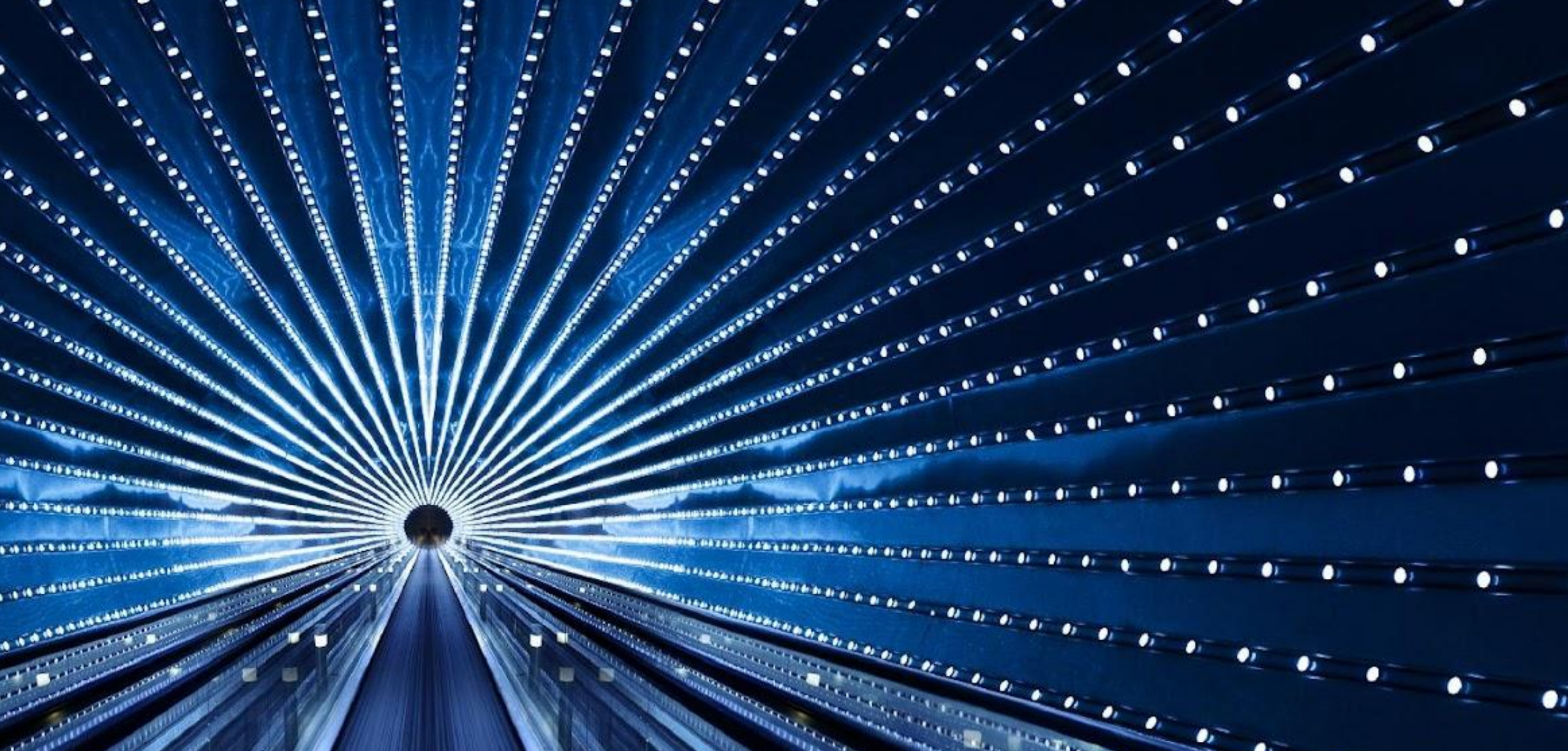
The DPIA is a requirement under the Article 35 of the GDPR as part of the “*protection by design*” principle. You as the controller shall, prior to the processing, carry out an assessment of the impact of the envisaged processing operations on the protection of personal data in the below types of conditions:

- If you're using new technologies
- If you're tracking people's location or behavior
- If you're systematically monitoring a publicly accessible place on a large scale
- If you're processing personal data related to “racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation”
- If your data processing is used to make automated decisions about people that could have legal (or similarly significant) effects
- If you're processing children's data
- If the data you're processing could result in physical harm to the data subjects if it is leaked

## When to prepare a Data Protection Impact Assessment?

You must prepare your DPIA **before beginning any data processing** activity. Ideally, you should conduct your DPIA before and during the planning stages of your new project.





## Maintaining a record of processing activities

The **record of processing activities** allows you to make an inventory of the data processing and to have an overview of what you are doing with the concerned personal data. Each controller and, where applicable, the controller's representative, shall maintain a record of processing activities under its responsibility.

Records of processing activities **must include** significant information about data processing, including data categories, the group of data subjects, the purpose of the processing and the data recipients. This must be completely made available to authorities upon request.

One must note that the obligation for documentation and therefore records of processing activities will be a focus of **authorities' inspections** of the implementation of the Data Protection Regulation.

## How can PwC Albania assist?

- PwC can assist in conducting a TIA, preparing a DPIA or maintaining the record of processing activities for all interested parties who are intending to transfer or process personal data in third countries.
- Our legal team can advise in any legal difficulties or queries in relation to the interpretation, application or construction of any of the data transfer mechanisms or risk management measures arising from data protection legislation set out in the TIA, DPIA or maintaining the record of processing activities.



# Let's talk



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