

## EU Data Protection—GDPR

### Modules for Compliance

Before starting a compliance project, we first meet with the client in order to understand the client's needs and concerns. On the basis of this discussion, we agree with the client how to organize each module described below, depending on how many tasks the client can handle internally. In this respect, it is important for the client to elect a privacy team (legal, HR, IT, and management) that can work with us closely.

We also offer our clients an initial presentation on the GDPR in order to create awareness at management and board level.

These initial steps come at no cost to the client.

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### 1. Information Gathering

Crowell & Moring has developed a questionnaire for *identifying the existing data flows*.

In addition, existing *documents* have to be collected. These include HR documents, customer and supplier contracts, policies and notices to data subjects, as well as possible existing notices to DPAs.

The *contracts* should include both agreements entered into already that may have to be changed, as well as template documents for future use.

The *policies and procedures* to be collected should include HR policies, as well as policies and procedures on the introduction of new policies and services, data protection impact assessments, data security and breach notifications and mechanisms in place for replying to requests from data subjects. This also includes the policies on international data transfers and related transfer mechanisms.

Although we start with questionnaires, experience has shown that this provides insufficient information unless followed up by interviews with all the appropriate individuals (for example, in the client privacy team).

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### 2. Review and Gap Analysis

After the knowledge gathering described above, there will be a detailed review of existing data sets, and current policies and procedures.

This review will analyze the existing situation in the light of the obligations imposed by the GDPR so as to allow shortcomings to be identified.

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### Information Gathering

- Identify the personal data processed/ identify data flows.
- Collect copies of existing documents and procedures.
- Create an inventory of existing policies and procedures.
- Follow-up questions and interviews.

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### Review and Gap Analysis

- Review existing documents and procedures relating to data processing.
- List the various obligations under the GDPR and check against existing documents and procedures.
- Additional follow-up questions and interviews may be required.

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### 3. Audit Report and Action Plan

The review and gap analysis will result in an audit report, including an action plan towards compliance.

The GDPR is a lengthy document with many new rights and obligations; national legislation may add an extra layer, and regulators are expected to provide guidance in the months and years to come. In the midst of this complexity, the action plan will have to prioritize and may be subject to changes. The action plan will also indicate who is responsible for what (C&M, HR, legal, IT, etc.).

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### 4. Implementation

The final step is the implementation of the action plan. The GDPR applies in all EU member states since May 25, 2018, and companies should now be compliant. However monitoring will be required in order to allow companies to remain flexible to new developments and reactive to the practical application of the GDPR by regulators.

*Crowell & Moring LLP provides an international service for clients requiring support in this area. We work closely with our colleagues from the Crowell & Moring U.S. practice group on Data Protection and Cybersecurity, and we can rely on a global network of selected law firms with excellent experience in this field.*

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### Audit Report and Action Plan

- Draft audit report based on analysis.
- Identify action points:
  - Priorities
  - Tasks
  - Deadlines.
- Monitoring developments and implementing changes.

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### Fees

We are happy to offer these modules for a fixed fee that is based on an initial analysis of the amount of work involved for any individual client.

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### Notable Rankings

Crowell & Moring's team 'possesses deep knowledge of and experience with data breach response, as well as very practical guidance on how to apply legal solutions to business problems'. The 'pragmatic' group handles GDPR compliance issues for clients operating in industries such as automotive, life sciences, healthcare, TMT and energy.

*Legal 500 EMEA, 2021*

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