



New Data Protection Law going into effect on May 25, 2018. IS YOUR ORGANIZATION READY?

by Lesley A. Weigand

The European Union's General Data Protection Regulations (GDPR) take effect on May 25, 2018. GDPR applies to all organizations that collect and process data belonging to EU citizens. This also applies to the United Kingdom post Brexit. It does not matter where in the world the EU citizen may be, if your organization collects the data of an EU citizen, it must be protected. Organizations need to comply whether they have operations or employees in the EU and also if they have a website or app that collects and processes EU citizen data. Penalties for non-compliance are quite severe: If an organization is found to be non-compliant, the fine is the greater of 20 Million Euros or 4% of an enterprise's worldwide revenue!

Data control and data security go hand in hand and form the basis of the GDPR regulations.

Data Control

To preserve a resident's privacy, organizations must: (i) only process data for authorized purposes; (ii) ensure that the data is accurate; (iii) minimize the exposure of the individual's identity; and (iv) implement data security measures.

Data Privacy

To preserve a resident's privacy, organizations must implement: (i) safeguards to keep data for additional processing; (ii) data protection measures, by default; and (iii) security as a contractual requirement, based on risk assessment and encryption.

In addition, a data subject has "the right to be forgotten." In other words, an organization cannot keep data indefinitely. GDPR requires organizations to completely erase data from all repositories when: (i) data subjects revoke their consent; (ii) a partner organization requests data deletion; or (iii) a service agreement comes to an end. There are legal exceptions when data cannot be erased, but those exceptions are limited.

As a preliminary matter, it is imperative for any organization to assess the risks to privacy and security and demonstrate that it is in compliance. Organizations are required to: (i) conduct a full risk assessment; (ii) implement measures to ensure and demonstrate compliance; (iii) proactively help third-party customers and partners to comply; and (iv) prove full data control. Further, when a data breach occurs, the compromised organization must: (i) notify the authorities within 72 hours; (ii) describe the consequences of the breach; and (iii) communicate the breach directly to all affected subjects.

The requirements of GDPR are not to be taken lightly. All organizations must now be in a position to address these requirements in order to conduct business with EU citizens.

For more information on assistance with this regulation and any other cyber-security and data privacy issues for your organization, please contact Lesley A. Weigand at laweigand@wegmanlaw.com or Charles "Drew" Hayes at cahayes@wegmanlaw.com.

Notable News

The team of **Sarah A. Nemastil**, **Patrick J. Quallich** and **Jessica L. MacKeigan** successfully appealed to the Eighth District Court of Appeals, which overturned the trial court's dismissal of a negligent promotion case involving the wrongful death of an employee.

Richard T. Coyne and **Sarah A. Nemastil** secured a favorable summary judgment decision on behalf of an international manufacturing client in a products liability case in which a wrongful death action in the U.S. Southern District of Ohio was dismissed.

Richard T. Coyne won a defense verdict in a trial on behalf of a manufacturing client in a products liability action filed in federal court in Seattle, Washington.

Benjamin B. Cotton assisted in successfully defending a client's European patent during an Opposition Proceeding in Munich, Germany.

Jay R. Carson is running for the office of District 13 Representative in the Ohio House of Representative. District 13 encompasses parts of Lakewood and Cleveland. Jay has gained significant legislative experience by serving as a legislative aide to the Ohio General Assembly, through his work for the Cuyahoga County Workforce Investment Board and Lakewood Civil Service Commission, and through his representation of clients in government-related matters.

Sarah A. Nemastil was featured in the April 2018 Cleveland Metropolitan Bar Journal for her volunteer work with the Cleveland Homeless Legal Assistance Program which provides legal aid to the homeless.



Martin L. Kerr has joined Wegman Law as an associate in our Corporate and Business Services Department. Prior to coming to Wegman, Martin worked as both a financial analyst and a contract and compliance manager for several large global organizations where he developed long term approaches to balancing both legal and business needs. Martin has counseled a diverse group of clients ranging from agile, entrepreneurs to more well known, multi-billion dollar corporations. Utilizing his business acumen, he is able to advise clients on a diverse range of business transactions.

Dr. Francoise Adan, the Endowed Connor Chair of Integrative Medicine at University Hospitals, will be presenting at Wegman Law's WAVE (Women Achieving Victory Everyday) event on May 23, 2018 from 5:30-7:30 pm at the Wegman Law's offices at 6055 Rockside Woods Blvd. Dr. Adan will present on managing and harnessing the power of stress for self-improvement. Wine and appetizers will be provided. The cost is \$35/person, and seats are limited. Please contact **Angela M. Lavin** at amlavin@wegmanlaw.com by May 15th to reserve your seats.

#MeToo Lunch and Learn with Wegman Law

As the #MeToo movement sweeps the nation, Wegman Law realizes that you may have questions or concerns regarding how sexual harassment, discrimination, and similar issues could affect your business. To help you answer these questions and provide solutions, Wegman Law has created a complimentary lunch & learn program which covers pertinent issues relating to sexual discrimination and harassment and also gives you information on protecting yourself and your business. Our attorneys will come to your offices to provide this free lunchtime program to your team; and Wegman Law will provide the lunch!



For more information, or to schedule a Lunch & Learn, please contact **Angela M. Lavin, Esq.** at (216) 642-3342 or amlavin@wegmanlaw.com