

# GENERAL DATA PROTECTION REGULATION

Vinnitsia National Technical University

## **Анотація:**

*У статті надано інформацію про регламент, що визначає принципи роботи з персональними даними європейських користувачів Інтернету. Загальний регламент захисту даних — серйозна віха в історії захисту персональних даних, а також предмет головного болю для компаній, які займаються збором даних.*

**Ключові слова:** персональні дані, згода, обробка даних, конфіденційність, закон.

## **Abstract:**

*The article provides information about the regulation that defines the principles of working with personal data of European Internet users, came into force. The GDPR is a major milestone in the history of personal data protection, and a headache for companies that collect data.*

**Keywords:** personal data, consent, data processing, confidentiality, law.

## **Introduction**

Article 8 of the European Convention on Human Rights states: "*Everyone has the right to respect for their private and family life, their home and correspondence*". [1, p. 11].

Advances in technology and the emergence of the Internet have led to the emergence of new ways of collecting data — for commercial purposes and not only. The more advanced Internet technologies became, the more risks arose associated with issues of confidentiality and the issuance of personal information for lack of information, especially with the advent of social networks [2].

## **Results**

"The basic definition says: "The General Data Protection Regulation (GDPR) is the document by which the European Parliament, the Council of the European Union and the European Commission strengthen and unify the protection of personal data of individuals in the European Union". Simply put, these are the rules governing the procedure for collecting, processing, storing and distributing personal data. Their main goal is to protect personal data in accordance with human rights" [3, p. 106].

According to the GDPR, the following requirements are mandatory: collect personal data only with the consent of the subject; use and process them in accordance with the goals; to achieve these goals – to destroy the data; seize and destroy data at the request of their owner; ensure the security of data storage; not to distribute data without the consent of the subject.

Data processing includes: collection, storage, modification, use, distribution, depersonalization and destruction. The GDPR allows confirmation of consent using any indicator that gives complete information to the subject "to which he agrees." Simply put, a simple form of consent to the processing of data "term of use" is enough. At the same time, consent must be given by a clear affirmative action, which means freely provided, specific, informed and unambiguous consent of the subject of personal data to their processing [4].

It is worth noting that the company is responsible for ensuring the protection of the data that it has collected about its customers or users, and therefore, be responsible if hackers, competitors or someone who should not have had access to this data got to this data. Also, if the company has transferred the collected data to a third party without the informed consent of the user.

The user's consent to the collection and processing of personal data is also clearly regulated by the GDPR. The company cannot simply ask to "agree to whatever we do with your data." The user's consent must be voluntary, clear, informed; consent requests must be clearly identifiable and written in understandable language. The user has the right to revoke his consent to the processing of his data at any time and must keep documentary evidence of your consent to the processing of your data. Children under 13 years of age can only give consent with parental permission [2].

The European Union's General Data Protection Regulation (GDPR) was designed to apply to all types of businesses, from multi-nationals down to micro-enterprises. The fines imposed by the GDPR under Article 83 [5, p. 81] are flexible and scale with the firm. Any organization that is not GDPR compliant, regardless of its size, faces a significant liability.

The less severe infringements could result in a fine of up to €10 million, or 2% of the firm's worldwide annual revenue from the preceding financial year, whichever amount is higher. They include any violation of the articles governing: controllers and processors; certification bodies; monitoring bodies.

The more serious infringements go against the very principles of the right to privacy and the right to be forgotten that are at the heart of the GDPR. These types of infringements could result in a fine of up to €20 million, or 4% of the firm's worldwide annual revenue from the preceding financial year, whichever amount is higher. These include any violations of the articles governing: the basic principles for processing; the conditions for consent; the data subjects' rights; the transfer of data to an international organization or a recipient in a third country [5].

## Conclusions

In general, a company complying with GDPR obliged to collect personal data with the consent of an individual, for clear purposes, with a clear description of "what he will do with them", while giving the subject a clear mechanism on how to withdraw consent to the processing of personal data, protects against unauthorized dissemination of these data and deletes them upon achievement of the purposes of use. To protect data, it uses any anonymization tool and documents all GDPR enforcement measures to protect itself from possible proceedings in the future. In the event of a data breach, take measures to remedy the leakage, if possible, and notify the controller/supervisory authority/data subject.

The GDPR's stiff fines are aimed at ensuring best practices for data security are too costly not to adopt. While it remains to be seen how fines will be applied by different EU member states, these fines loom for any organization not making strides to ensure GDPR compliance.

## REFERENCES

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**Скидан Тетяна Миколаївна** – студентка групи УБ-21б, факультет менеджменту та інформаційної безпеки, Вінницький національний технічний університет, Вінниця, e-mail: tanaskidan1@gmail.

**Никипорець Світлана Степанівна** – викладач англійської та німецької мов, Вінницький національний технічний університет, Вінниця, e-mail: fotinia606@gmail.com

**Skydan Tetyana Mykolaivna** – student group SM-21b, Faculty of Management and Information Security, Vinnytsia National Technical University, Vinnytsia, e-mail: tanaskidan1@gmail.

**Nykyoporets Svitlana Stepanivna** – teacher of English and German languages, Vinnytsia National Technical University, Vinnytsia, e-mail: fotinia606@gmail.com