

The European Union's General Data Protection Regulation, or GDPR, governs the transmission, processing, and storage of personal data relating to individuals in the EU from May 25, 2018. The GDPR applies not only to businesses that operate physical facilities in the EU but also to businesses with no physical presence that process data concerning EU individuals, such as companies that market to EU residents.

The GDPR expands on previous regulations in specifying the rights of data subjects and regulatory requirements governing the processing of personal data. Article 5 of the GDPR requires that personal data must be:

- a) processed lawfully, fairly and in a transparent manner in relation to individuals;
- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

The GDPR requires a lawful basis for processing data, such as consent, a valid contract, a legal obligation, or the processor's own legitimate interests. There are additional rules for special category data, such as health information, and for data regarding criminal offenses.

The GDPR provides data subjects with a series of rights concerning their data, including the right to be informed, the right of access, the right to rectification, the right to erasure, the right to restrict processing, the right to data portability, the right to object to processing, and additional rights concerning automated decision-making and profiling.

The GDPR also imposes a series of procedural and record-keeping requirements, including requiring notifications and written contracts in many instances and restricting the transfer of personal data outside the EU. The rules also vary depending on whether a business is considered to be a "controller" or a "processor" of personal data under definitions laid out in the GDPR's text. Some businesses will be required to conduct a data protection impact assessment and to appoint a data protection officer.

In short, the GDPR imposes significant regulatory requirements on businesses around the world, including in the United States. It also will affect the conduct of litigation and other legal proceedings when the personal data of EU data subjects is involved.

There are numerous online resources that can provide further information about the GDPR. Some official examples:

- The EU's GDPR portal: <https://www.eugdpr.org/>
- The UK Information Commissioner's Office's Guide to the GDPR:
<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>
- The text of the GDPR: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL%3A2016%3A119%3ATOC>

Many vendors and law firms also offer online materials about the GDPR and its requirements. Entering the GDPR or specific GDPR-related topics into a search engine will produce multiple examples.