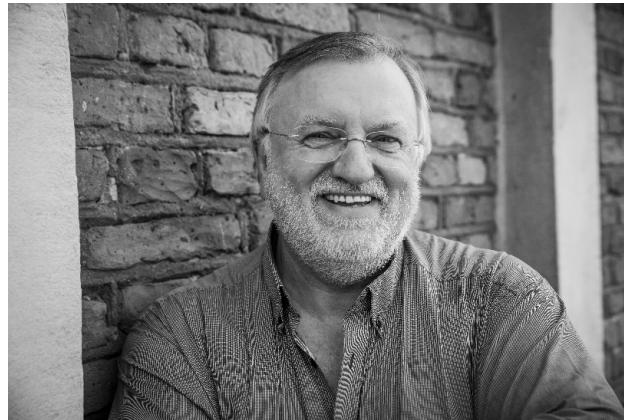




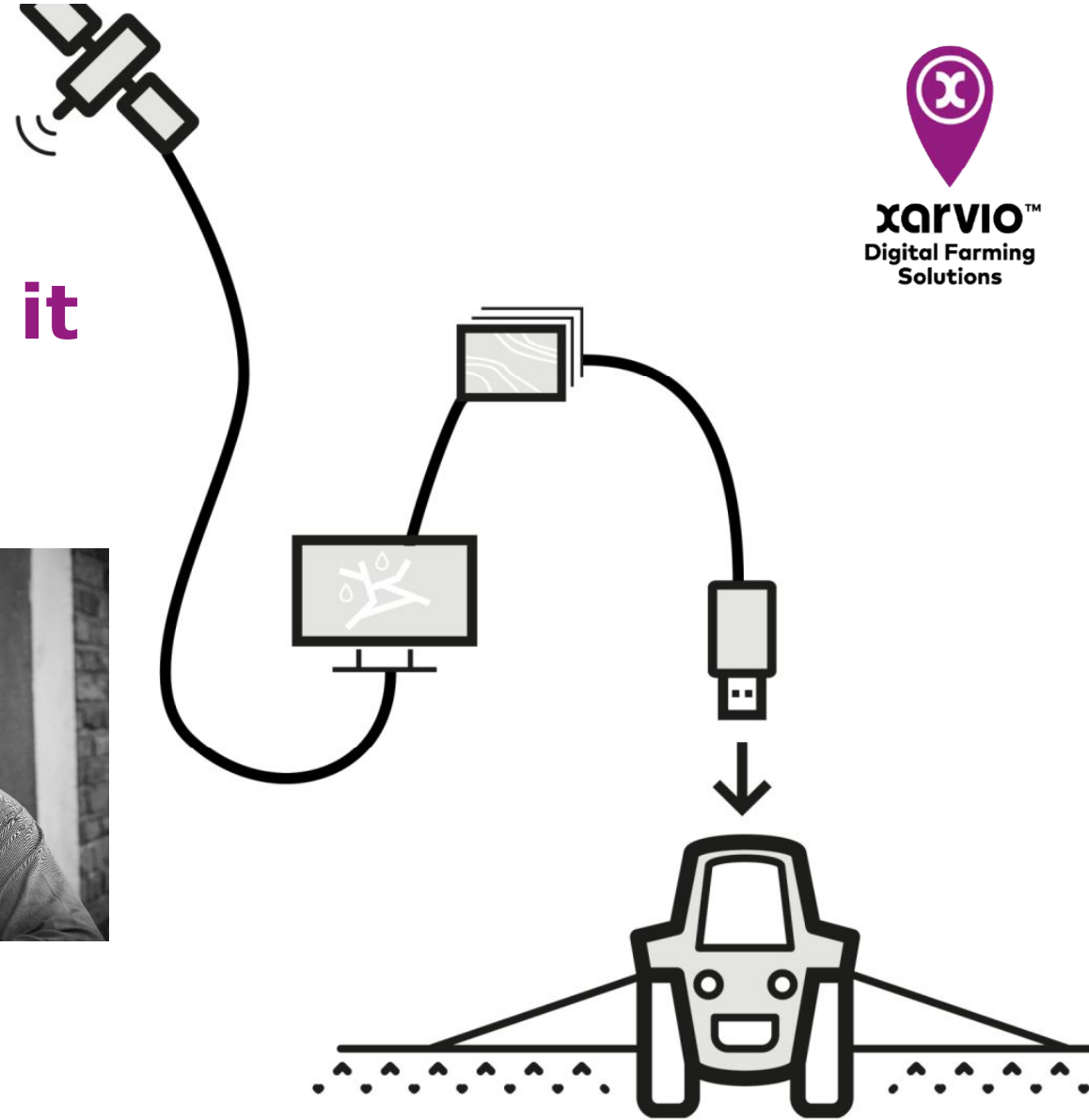
GDPR in Action – does it work?



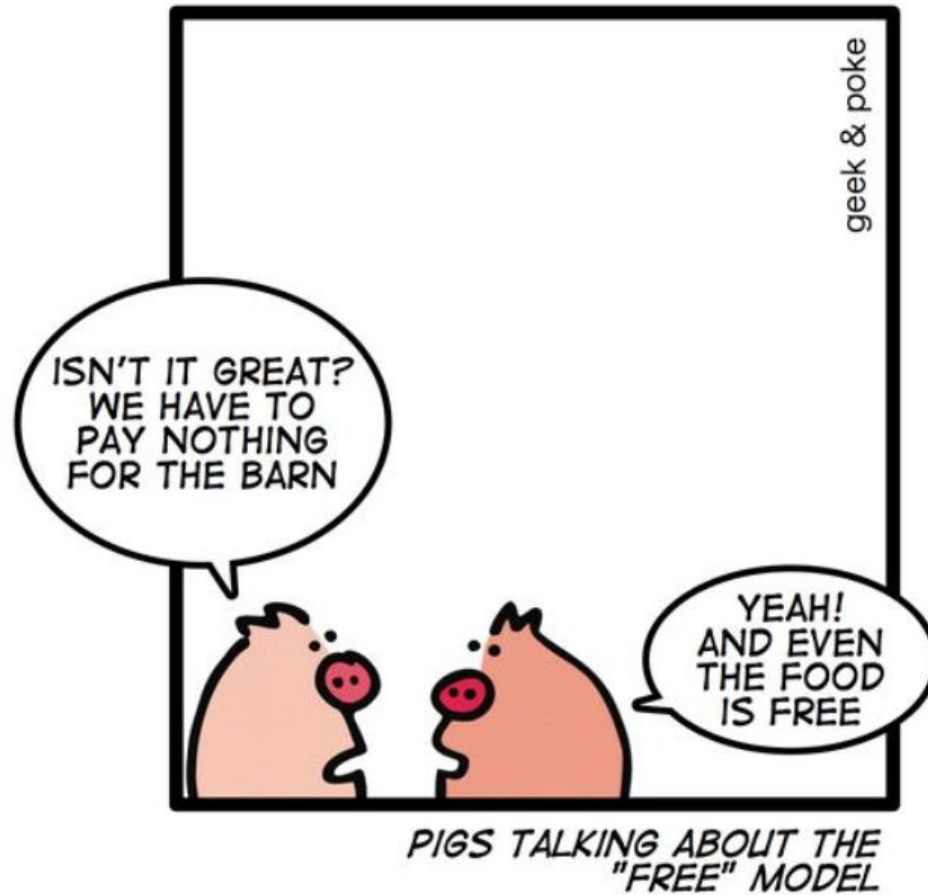
Volker Hadamschek PhD
AI Quality Manager



Reinhold Beckmann
Attorney



With the rise of AI, data privacy has become a huge concern



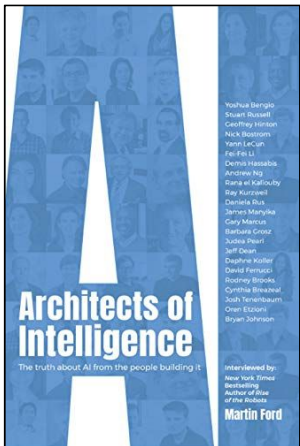
Digital Farming@BASF



Geoffrey Hinton on the side effects of AI



From:



...

Martin Ford: Do you think there's a place for regulation?

Geoffrey Hinton: Yes, lots of regulation...

GDPR

Privacy Data Protection Legislation

Protection of personal data

Anything can be processed, stored and analyzed

Transparency of processing is requested

Trans- parency

How is transparency realized?

1. By law
2. Individual consent

In a contractual relationship – no consent is required

Market- Place Principle

International Commercial law

Every company must respect the commercial regulations
of the nation it is doing business in

Collecting personal data of a European citizens all over the world
requires GDPR compliance

Common examples of personal data at Digital Farming



Digital Farming
Solutions

Email address
Postal address
IP address
Name
Financial transaction data*
Agronomic applications*
User behavior*

**Personal data
(*if not anonymized)**

Weather on agronomic fields
Model parameters & output
Geographic information

**Data not in scope of
GDPR**

Data privacy – important deliverables

- List of processing operations including change management
- Data privacy statement
- User consents with version(!)
- Data processing agreement between Data Controller and Data Processor

Data Processing Agreements (DPAs)

- A DPA is necessary if you use 3rd providers to handle your customer data
- Such contract should be agreed on and signed off between you and your 3rd party provider **as early as possible** in the project
- Data Processors need to be added explicitly in Data Privacy Statements

Data Privacy assessments – part I

- What kind of personalized data do you want to handle?
- For which business purpose?
- Do you need to ask the user for his consent?
- Who is handling the data internally and externally and for which reason?

Data privacy assessments – part II

- What kind of Technical and Organizational Measures are necessary to protect the data?
- How do you make sure that the user gets access to his data?
- Are you able to delete his personal data upon his request?

Data Subject

1. Comprehensive entitlement to information on stored data
2. If the conditions are met, stored data must be corrected, rectified or deleted
3. Revocation of a given consent at any time, e.g. newsletter adverts

Cookies & Tracker

Cookies are used by the webpage itself



Trackers are used by external analytic tools

They collect information of the visitor on the website

Both require consent!

Not
Compliant

Fines can be set up
to 20 million EUR or 4% of the worldwide
revenue

Country	Authority	Date	Fine [€]	Controller/Processor	Quoted Art.	Type	Summary
Filter	Filter			Filter		Filter	Filter
 UNITED KINGDOM	Information Commissioner (ICO)	2019-07-08	204,600,000	British Airways	Art. 32 GDPR	Insufficient technical and organisational measures to ensure information security	Please note: company and states have intention to likely involve cyber incident. This incident being diverted details were 500,000 customers to have begun variety of information at the company as well named
 UNITED KINGDOM	Information Commissioner (ICO)	2019-07-09	110,390,200	Marriott International, Inc	Art. 32 GDPR	Insufficient technical and organisational measures to ensure	Please note: company and states have intention to incident which

<https://www.enforcementtracker.com>

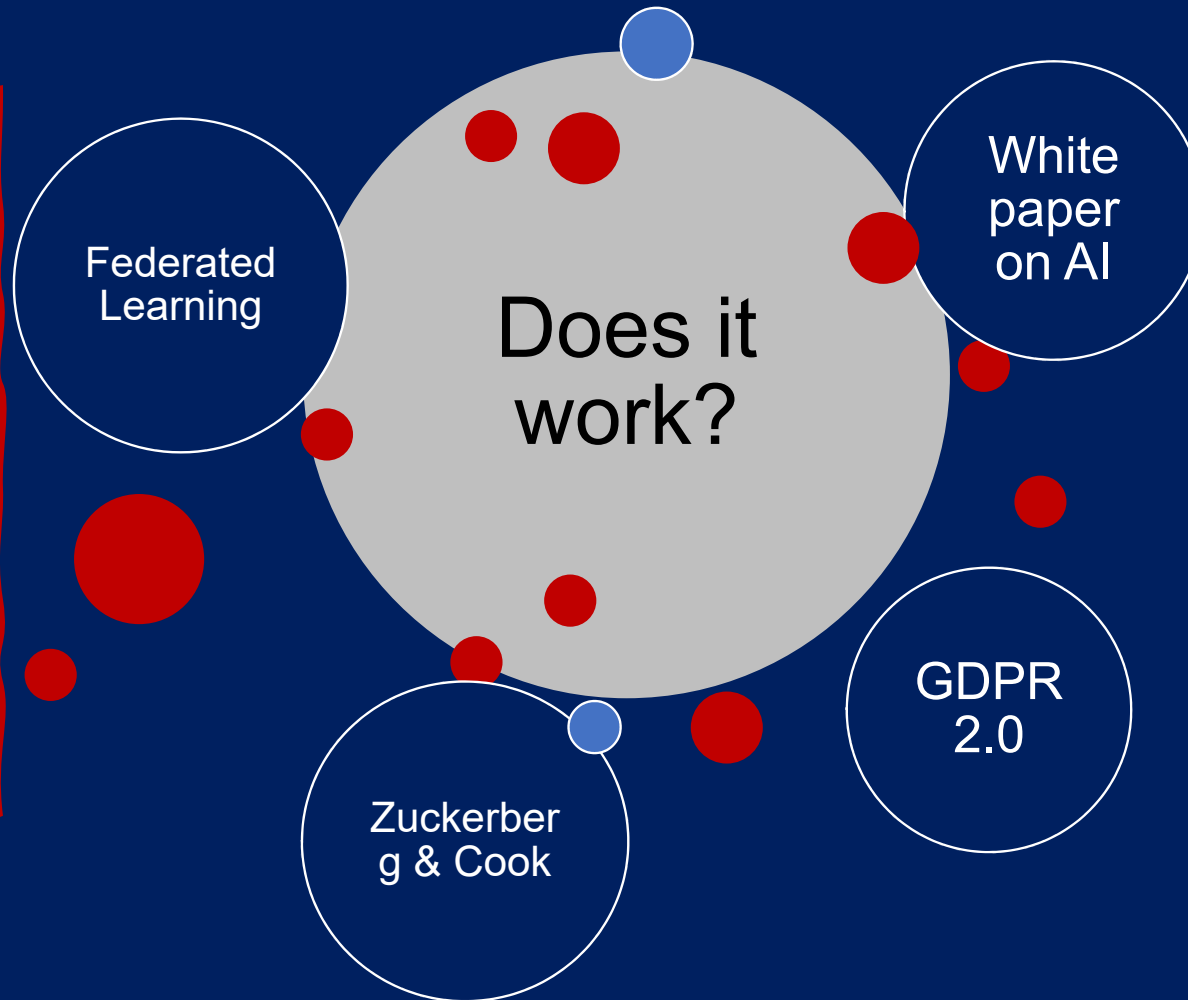
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Key Takeaways

- ✓ GDPR does not forbid any processing of personal data—just requires transparency
- ✓ Ask yourself: Do you actually handle personal data?
- ✓ Do you use external services for personal data processing?
- ✓ Manage adequate Technical and Organizational Measures to ensure data privacy



Conclusions



Before you leave...



If you start from scratch with GDPR

- Consider to run your first activities as a project
- Identify your internal stakeholders
- Get an early touch point to the product owners
- Report your GDPR activities on a monthly basis to the managing directors
- Train your environment

Imagine a world without data privacy

Data Processing Agreements @ Digital Farming – what is inside?



Ingredients of DPAs:

- Whose data is it about?
- What kind of data?
- Who is responsible for what?
- TOMs: Technical and organizations measures to protect data

Templates?

We provide a BASF template to standardize negotiations with 3rd party.

Exemplary data processors with whom we work together:

- Amazon Web Services
- Gigya
- Adjust
- Salesforce
- ...

GDPR

Why did Mark Zuckerberg and Tim Cook promote GDPR as a blueprint for a regulation for privacy data protection in the US?

- Companies usually do not want regulation!
- There is a growing political discussion in the US on protection on private data!
- First states implement national regulations already , e.g. California on Jan. 2020!

So, why GDPR

They have to watch it anyway an be compliant, why having to be compliant to possible 50 different regulations with the different US state legislations?

But most important is the beauty of Art 6 in the GDPR:

You just have to put the collection of personal data in a contractual obligation and then you can collect and process these data without any consent!

e.g. especially for Social media that means: They more or less need not to change their business-model at all!

GDPR

What's to expect in the near future?

Lengthy legal proceedings and discussions of principles !

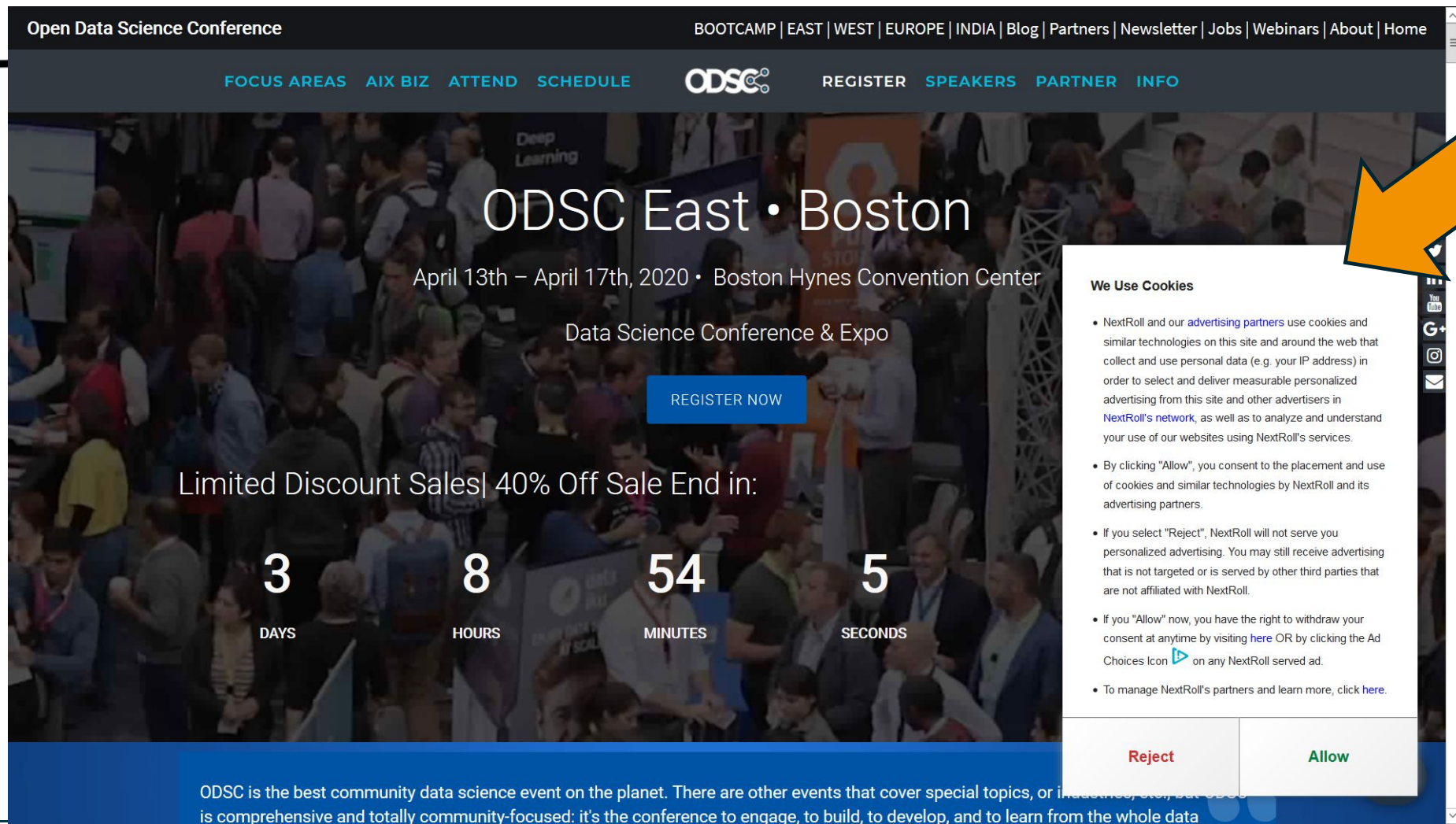
This is due to the fact that,

- Protection of fundamental rights through concepts of commercial law is something new - also for lawyers in Europe!
- Big companies will fight their fines through all legal authorities , which can easily last 3 to 4 year until highest court clarification.

And now? What do I have to do to ensure GDPR compliance?

- First of all do not get nervous on the high fines!
- Stay calm, take your time to implement the necessary processes through close coordination with all parties involved
- You will discover that to reach GDPR compliance is much easier and less of a headache than lawyers and consultants would like to make you believe
- AND It's definitely worth the effort!

Data Privacy Appearance is the new Business Card



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GDPR

What can happen, if I am not compliant ?

Fines can be set up to 20 million EUR or 4% of the worldwide revenue, whichever is the higher amount.

Who imposes the fines ?

Each state in the EU has its own supervisory authorities and structures. There is not only one supervisory authority at the EU Commission

How are the fines calculated?

No standards! Depends on the gravity of the infringement and the economic size of the infringer. (punitive damage)

In the first two years, the supervisory authorities were very reluctant to impose fines, e.g in all of >Germany in the first year just a total of 200k EUR.

BUT this is about to change now!

Interesting fact :

All previous fines have dealt with breaches of data security, not data protection!!

You can track the fines under: www.enforcementtracker.de

GDPR Vision- Takeaways

1. GDPR does not forbid any processing of personal data—just requires transparency
2. You need either a law or the detailed consent of the person whose data you process
3. Art 6 of GDPR as a law allows to process any data that's necessary to negotiate, to fulfill or to end a contractual relationship

Functional Cookies

EXEPTION:

Only with purely functional cookies it is enough to inform the visitor when visiting the webpage for the first time

COMING PROBLEM:

In December, the highest European Court decided that functional cookies need the consent as well