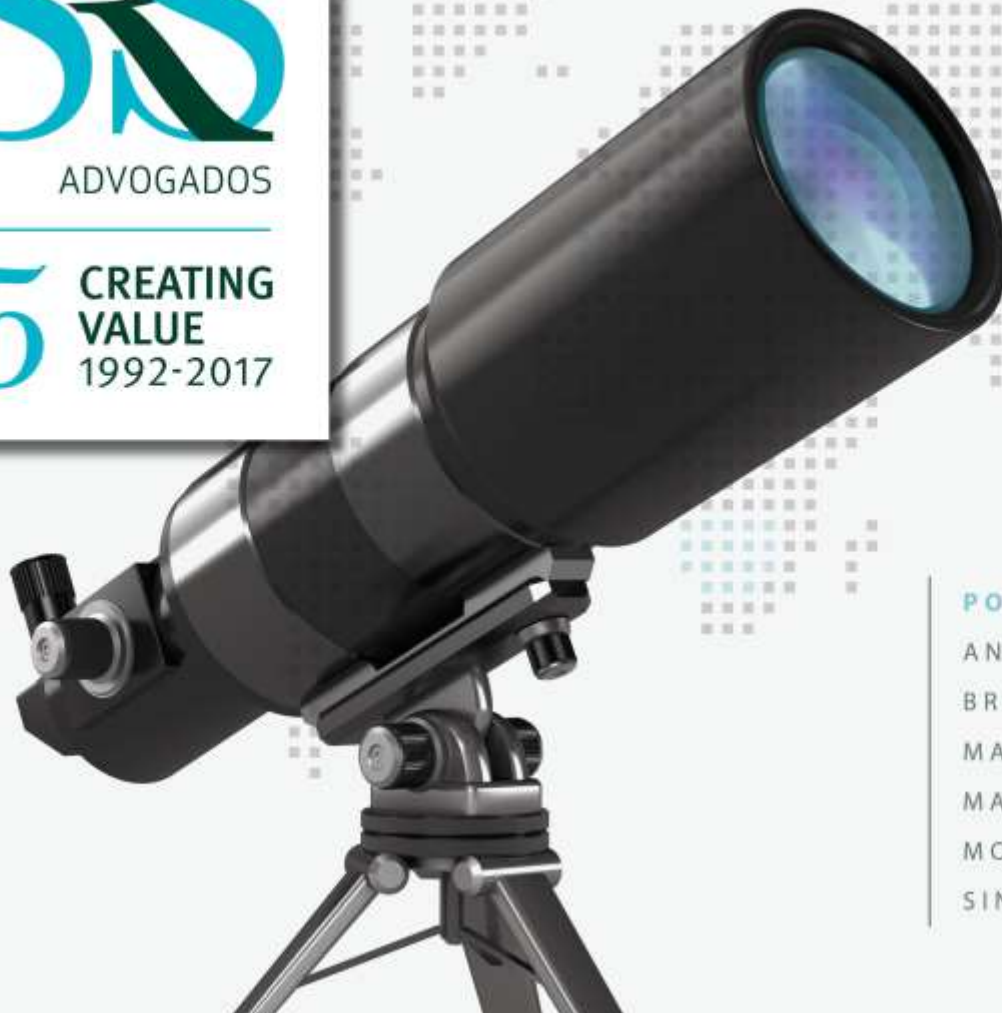




ADVOGADOS

25 CREATING  
VALUE  
1992-2017



PORTUGAL

ANGOLA

BRAZIL

MACAU

MALTA

MOZAMBIQUE

SINGAPORE

# What impact does GDPR have on your intranet?

Sofia Riço Calado

May 17, 2018

## I. GDPR and employees

- Where personal data is collected, processed or stored, the GDPR will apply and that includes for employees;
- Examples of data processing regarding employees: recruitment, payroll, performance evaluation, disciplinary proceedings, sensitive data (health and biometric data);
- In many cases, the lawful basis for processing shall be the fulfillment of contractual obligations, not consent;
- Such consent needs to be “freely given” that is to assume the individual genuinely has free choice and is able to refuse or withdraw consent without detriment.

## II. What questions should be asked?

- If your company is collecting personal data, then the GDPR will impact your future work. Challenge yourself and others to consider your data:
  1. What is the lawful basis for processing?
  2. Are you storing data in the appropriate way?
  3. Can you demonstrate that you are only capturing those data points that you strictly need and no more?
  4. Can you demonstrate that you're using it strictly for the purpose originally specified?
  5. Can you demonstrate that you're keeping the data for no longer than strictly needed?
- If it identifies an individual, if it's a data-led approach, you'll likely need GDPR compliance.

### III. What if an employee leaves the company? What if you share data with third parties?

- Anyone with personal data (and remember, every employer has personal data on their employees) needs to consider the data they hold, how they hold it, where it is stored, and the policies, procedures, and technology used to keep it secure;
- Be cautious for stored information when an employee leaves your company. That may be work groups they created, comments they made or posts. If it identifies an individual, you will likely need GDPR compliance;
- And, don't forget all the 3rd party organizations that may have access to this data – you can outsource the data processing, and you can even send data outside the EU (by legal methods), but you are still responsible for any subsequent data loss.

## IV: How can intranet help?

- Intranet centralizes data and gives control to the company (e.g. communication between the employees);
- Intranet makes it easier to erase data or to block access to users that no longer need to have contact with specific personal data;
- Intranet facilitates the display of policies and messages regarding GDPR, even including e-learning;
- Intranet documents the processing of personal data.

## V. Actions to be taken regarding HR

- **Complete the data register** - at a minimum, this register should include key information such as identification and contact details of the controller, purpose of the processing and categories of personal data processed (check article 30);
- **Deal with the rights of the data subjects** - for example, develop an intranet page on how you manage workers' personal data written in clear and plain language that employees will understand, and set up a procedure on dealing with requests from (potential) employees (check articles 12-14);
- **Implement an appropriate data retention policy** - go through your data register, and list the reasons you have for keeping your data such as legal minimum retention periods, your liability as an employer and services you deliver to your employees based on the data. Based on these reasons, define the minimum and maximum retention periods for each category of data. Don't forget your paper-based records;

## IV. Actions to be taken

- **Ensure compliance of your HR business partners** - as an organisation, you need to review your list of HR business partners to evaluate if they have access to your personal data. If so, you need to execute a data processing agreement with them in order to ensure that they are GDPR compliant (check article 28);
- **Integrate security and privacy measures in your HR processes** - to build privacy and security into your HR project management life cycle, revise your project management lifecycle and include essential steps such as defining and documenting security and privacy requirements as part of every HR project, and testing requirements before you go live (check article 32).

PARA MAIS INFORMAÇÕES, POR FAVOR CONTACTE:

**Thank you**

**Sofia Riço Calado**  
**[sofia.calado@srslegal.pt](mailto:sofia.calado@srslegal.pt)**



**• PORTUGAL •**

**• ANGOLA • BRASIL • MACAU • MALTA • MOÇAMBIQUE • SINGAPURA**

[www.srslegal.pt](http://www.srslegal.pt)