empanel
ONLINE

GDPR

General Data Protection Regulation

Compliance Brief

What Is the GDPR?

The General Data Protection Regulation 2016/679 (GDPR) is a comprehensive update to the existing Data Protection Directive 95/46/EC under European Union law that was approved by the European Parliament and of the Council of 27 April 2016, which goes into effect on May 25, 2018. The GDPR was designed to harmonize data privacy laws across Europe, to protect and empower all EU resident's data privacy and to reshape the way organizations across the region approach data privacy.

The driving force behind GDPR is to unify the laws and standards of data privacy across Europe and to empower data subjects to take control over their personal data.

Which Data Elements Fall Under the GDPR?

The GDPR applies to information that directly or indirectly could identify an individual. This includes information, such as ***names, addresses, phone numbers, date of birth, as well as IP addresses, cookie identifiers, device information, advertising identifiers, financial information, geo-location information, social media information, consumer preferences****, etc. To read more about the personal information that EMpanel Online captures, please review our Privacy Notice.*

Who does the GDPR apply to?

The GDPR applies not only to organizations who process data in the EU, but also any organization that offers goods or services to, or monitors the behavior of people inside the EU. GDPR applies even if the processing takes place outside of the EU.

Why is GDPR Compliance so Important?

The Failure to comply with GDPR regulations can result in penalties in the form of fines up to €20,000,000 or 4% of annual global turnover, whichever is greater.

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Key Principles of GDPR

Common & Uniform Terminology

Standardized terminology will allow for legislation to be enforced under a single set of rules

Responsibility and Accountability

Each company involved in the processing of specific data is equally accountable for its security and protection.

Consent

Panelist consent and the purposes data is used for must be explicit for data collected, must be able to prove "consent" (opt-in) and consent may be withdrawn.

Right of Access

Panelists have the right to access their personal data and information about how this personal data is being processed.

Right to Erasure

Panelists have the right to opt-out and have their profile erased completely and permanently.

Data Minimization

Limiting the collection of personal information to that which is directly relevant and necessary to accomplish a specified purpose

Data Portability

A person is to be able to transfer personal data from one electronic processing system to and into another

Risk Limitation

Privacy and security settings must be set at an elevated level by default, and technical and procedural measures should be taken to make sure that the processing, throughout the whole processing lifecycle, complies with the regulation.

Breach Transparency

In the event that personal data is compromised, the responsible party must notify all other parties affected.

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Is EMpanel Online Compliant? YES

EMpanel Online maintains compliance with ALL DATA PRIVACY LAWS in areas where respondents are recruited for research communities, including:

Country/Region	Legislation	Effective
EUROPEAN UNION	General Data Protection Regulation 2016/679	2018
AUSTRALIA	Privacy Principles (APP)	2014
BRAZIL	Brazilian Internet Act	2014
US	California Online Privacy Protection Act (CalOPPA)	2004/2013
COLOMBIA	Regulatory Decree 1377	2013
HONG KONG	Personal Data Ordinance	2013
RUSSIA	Regulations on Securing Personal Data being Processed in Personal Data Systems, No. 781	2007
RUSSIA	Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data, No. 152-FZ	2006
CANADA	PIPEDA Act	2004
JAPAN	Protection of Personal Information, Act No. 57	2003
SOUTH AFRICA	Electronic Communications and Transactions Act No. 25	2002
SOUTH KOREA	Act on Promotion of Information and Communication Network Utilization and Information Protection	2002
AUSTRALIA	Commonwealth Privacy Amendment Act	2000
ARGENTINA	Argentina Personal Data Protection Act	2000
US	Children's Online Privacy Protection Rule (COPPA)	1998
CHILE	Act on the Protection of Personal Data	1998
EU	Data Protection Directive	1998
US	Health Insurance Portability and Accountability Act (HIPAA)	1996
US	Privacy Act of 1974	1974

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What changes has EMpanel Online made for GDPR?

1. Update Member Privacy Policy

Privacy and Consent are two principles that shape the foundation of GDPR. Under GDPR's Protections, our members are entitled to a clear and comprehensive explanation of which data are to be collected, how long the information provided shall be stored, and under which circumstances their data may be used or shared. In compliance with this, EMpanel Online has updated both its privacy policies and consent messaging to ensure full transparency and true data subject intent.

2. Improve Data Minimization

EMpanel Online's policy of data minimization is in accordance with the standards of personal data collection under GDPR and limits all collection of personal information to that which is fairly and lawfully processed for purposes limited to targeting members to receive opportunities that fit their profile. Profiling is adequate, but not excessive. All personal data collected from our members are collected with cause, anonymized in storage, never repurposed for alternative means without further explicit consent, and disposed of when no longer required for the initially stated purpose.

3. Enhance Security by Design

EMpanel Online exceeds all security requirements of the GDPR. When safeguarding the personal data of our members, our security protocols are paramount. It begins with Access Control, limiting the number of individuals with direct access to the sensitive data. Additional access controls include: multi-factor identification, API authentication and token exchange. We have improved our access monitoring and logging to meet GDPR guidelines in the event of an audit. EMpanel Online heavily leverages server virtualization to reduce risk of hardware failure. Virtualization greatly increases disaster recovery options and provides a great deal of flexibility to meet our business needs.

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4. Address Right to be Forgotten

As we often get requests to append data weeks or even months after a project was fielded, our policy was to maintain a member profile for 6 months before permanently deleting. The GDPR stipulates a person's right to erasure and we have updated our policy to automatically and immediately delete profile data upon the request of a member.

5. Appoint a Data Privacy Officer

EMpanel Online has appointed a Data Privacy Officer who is responsible for overall organizational compliance and will maintain communication with the EMpanel Online team, our clients, our partners, and the regulators.

6. Inform Controllers and Subprocessors

EMpanel Online is conducting a thorough and ongoing audit of partnerships to ensure that we are associated exclusively with compliant entities when conducting business involving individuals residing within the countries covered under the GDPR regulation.

7. Threat Protection and Incident Management

EMpanel Online has implemented an Incident Management Plan, including a designated Incident
Response Team who will respond immediately to contain and mitigate against security threats and breaches.

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