

## Some GDPR Frequently Asked Questions and Answers

Please see below answers to some frequently asked questions about the GDPR and why we are making changes to our contract.

### What is the GDPR?

#### Answer

GDPR stands for the General Data Protection Regulation. It's a new, European-wide law that replaces the Data Protection Act 1998 in the UK. The UK has now made this into law as the Data Protection Act 2018 and it involves the protection of personal data and the rights of individuals. It also places more obligations on how organisations handle personal data.

### When does GDPR come into effect?

#### Answer

It comes into effect on 25 May 2018.

### Who is affected by the GDPR?

#### Answer

It applies to all the business activities of any organisation based in the EU where those activities involve processing personal data, even if the processing isn't taking place in the EU. It also applies to any processing of EU residents' personal data by non-EU organisations if they are offering goods and services to those EU residents, or if those organisations are monitoring EU residents' on-line activity (where that on-line activity takes place in the EU).

### What do you mean by data processing?

#### Answer

It is anything we might do with personal data such as collecting, recording, organising, structuring, storing, adapting or altering the personal data. It also includes how BT manages and stores the personal data so that we can provide you with relevant products and services.

### What is personal data?

#### Answer

It is any information relating to an identified or identifiable natural person that can be used to identify them; for example, a name, address, telephone number, or IP address. GDPR applies only to personal data of a living person or sole trader and not to anybody who is deceased or a company.

### What responsibilities will organisations have under this new regulation?

#### Answer

Organisations have a number of responsibilities under the new regulation, but many of these aren't new as they were already covered by the previous legislation. The intent of the GDPR is to give more control to individuals over how organisations collect and process their personal data. Organisations must also be more transparent about how they process personal data.

#### **What effect, if any, does Brexit have on GDPR?**

##### **Answer**

The GDPR comes into effect on 25 May 2018 in advance of Brexit. The Government is implementing the GDPR through the Data Protection Act 2018 and the EU Withdrawal Bill, so UK businesses still need to be GDPR ready.

#### **Where can I find the BT privacy policy?**

##### **Answer**

The BT privacy policy can be found at <http://www.btplc.com/privacycentre/index.htm>.

#### **Why are our contract terms changing?**

##### **Answer**

The GDPR requires specific things to be put in contracts where a business is processing personal data on behalf of another business. This is why we've changed our contract.

#### **I cannot find my product listed on the website you sent me to; does this mean the notification letter doesn't apply to me?**

##### **Answer**

Because we need to amend some general clauses for all our products and services, the letter does apply to you. We'll only be providing product specific information in an annex for services where BT processes personal data on your behalf.

We are updating our website with information on products and services as and when it is available. We will only be adding additional information for services where BT processes personal data on your behalf. If your service is not listed, we may not be processing personal data as part of your service.

#### **What is BT doing to be GDPR Ready?**

##### **Answer**

BT upholds the highest standards of data privacy. We've taken the key steps to ensure that we're in line with GDPR and we view the commitment to the highest standards of data privacy as an ongoing process. We'll continue to collaborate with the regulatory authorities as required to share details of the extensive programme of work we've been running to achieve compliance.

We've undertaken the extensive programme of work since early last year to ensure that we're in line with the new regulations. Key steps include:

- re-writing our main customer-facing privacy policies
- creating a system to allow tight management of data across systems

- introducing a new group-wide Privacy Impact Assessment tool so that we design privacy into all of our products, service and ways of working
- appointment of a Group DPO
- updating our corporate customer and supplier contracts
- implementing an awareness plan across BT group.

We're confident that we've already taken the most important measures which most directly impact on our customers' rights and the protection of their data. We're moving rapidly to completion of our programme and in that regard, we're in the same situation as many other organisations. Upholding high standards of data privacy is already a key part of our business, so we'll continue building on the work to continue to enhance the privacy culture throughout our business.

## **Schrems 2 and the EU-US Privacy Shield**

The Court of Justice of the European Union (CJEU) ruled on 16th July 2020 in the 'Schrems 2' judgement, that the EU-US Privacy Shield is invalid with immediate effect.

### **Does BT or its suppliers use the EU-US Privacy Shield?**

#### **Answer**

BT does not currently rely on the Privacy Shield as a personal data transfer mechanism.

If one of BT's suppliers or sub-processors processes personal data outside of the EEA on behalf of BT or its customers, BT's supplier contract requires that a lawful 'transfer mechanism' under the GDPR is in place. Clearly this no longer includes use of the EU-US Privacy Shield but is capable of including other transfer mechanisms such as Standard Contractual Clauses or Binding Corporate Rules.

### **What is BT doing now?**

#### **Answer**

In order to ensure compliance with the Schrems 2 ruling we are contacting all our suppliers to remind them of their obligations to cease any use of EU-US Privacy Shield either themselves or within their supply chain.

We are also considering the further implications of the Schrems 2 ruling concerning the use of other permitted transfer mechanisms and the related regulatory guidance which is emerging. Accordingly we will be taking steps to ensure that transfers of personal data outside of the EEA using other transfer mechanisms continue to remain valid.