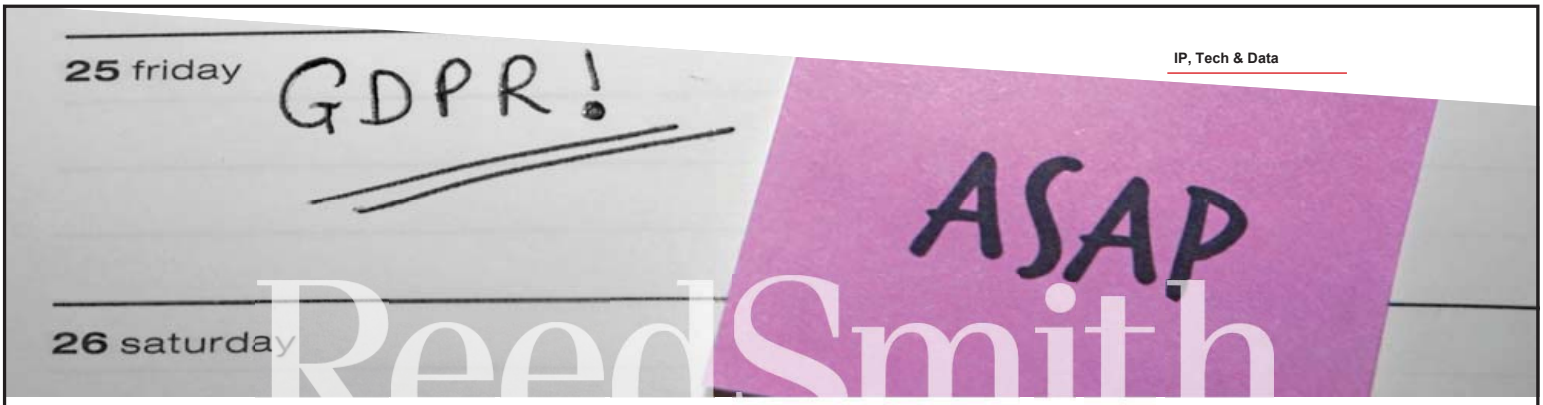


GDPR is effective today!
May 25, 2018

University of Texas School of Law
31st Annual Technology Law Conference

Panelists:
Whitney McCollum, AECOM
Sooji Seo, Dell
Bart Huffman, Reed Smith

ReedSmith
Driving progress
through partnership



Recital 4

The processing of personal data should be **designed to serve mankind**. The right to the protection of personal data is not an absolute right; it must be considered in relation to its function in society and be **balanced against other fundamental rights**, in accordance with the principle of **proportionality**. This Regulation respects all fundamental rights and observes the freedoms and principles recognised in the Charter as enshrined in the Treaties, in particular the respect for private and family life, home and communications, the protection of personal data, freedom of thought, conscience and religion, freedom of expression and information, freedom to conduct a business, the right to an effective remedy and to a fair trial, and cultural, religious and linguistic diversity.

Article 5

"Principles relating to processing of personal data"

1. Personal data shall be:
   a) processed lawfully, fairly and in a transparent manner in relation to the data subject (**'lawfulness, fairness and transparency');**
   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, in accordance with Article 89(1), not be considered to be incompatible with the initial purposes (**'purpose limitation'**);
   c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (**'data minimisation'**);
   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 (**'accuracy'**);

Article 5 (cont.)

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 in accordance with Article 89(1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject (**'storage limitation'**);

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 (**'integrity and confidentiality'**).

2. The controller shall be responsible for, and be able to demonstrate compliance with, paragraph 1 (**'accountability'**).

Article 6

"Lawfulness of processing"

1. Processing shall be lawful only if and to the extent that at least one of the following applies:

a) the data subject has given **consent** to the processing of his or her personal data for one or more specific purposes;

b) processing is necessary for the **performance of a contract** to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

c) processing is necessary for **compliance with a legal obligation** to which the controller is subject;

d) processing is necessary in order to protect the **vital interests** of the data subject or of another natural person;

e) processing is necessary for the performance of a task carried out in the **public interest** or in the exercise of official authority vested in the controller;

f) processing is necessary for the purposes of the **legitimate interests** pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

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