

## What are the differences between the DPA and GDPR?

To help you get ready for GDPR we have created a break-down of the differences between the current Data Protection Act 1998 (DPA) and the new General Data Protection Regulation (GDPR) whilst sharing with you the Pitmans Law way of getting GDPR ready.

Data Protection Officers (DPOs)		
DPA	GDPR	Pitmans Law Way
DPOs are not a requirement.	DPOs will be required for all organisations with more than 250 employees.	Pitmans has a designated DPO who is responsible for ensuring compliance through policies, arranging regular staff training to ensure data obligations are understood, co-operating with the authorities, handling data requests and more.

Data breaches		
DPA	GDPR	Pitmans Law Way
Data breaches do not need to be reported.	Data breaches must be reported to both the Supervisory Authority and the data subject involved, within 72 hours.	<p>All data breaches must be reported immediately to our DPO who investigates the matter and collates all relevant information.</p> <p>Our DPO then meets with our COLP (Compliance Officer for Legal Practice) and Risk &amp; Compliance Manager to discuss the way forward and then report to the Information Commissioner's Office (IC) within 72 hours as appropriate.</p> <p>Our DPO also liaises with the data subject and identifies if the staff member involved requires more training or if any other action is necessary.</p>



We act for a diverse range of domestic and international clients, from start-ups to multinationals, and everything from tech companies leveraging big data in their service offerings through to charities navigating a response to a subject access request for the first time.

Contact us for more information



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Consent		
DPA	GDPR	Pitmans Law Way
<p>While consent must be freely given, specific and informed, it can be sought through silence, inactivity or negative opt-ins, for example: 'tick this box if you do not wish to hear from us'.</p> <p>Explicit consent is only required for sensitive personal data.</p>	<p>The member needs to take clear affirmative action or make a statement to demonstrate unambiguous consent. Unions must show that the data will be used for specified, explicit and legitimate purposes.</p>	<p>Our sign up form includes a clear consent statement with an unticked box. Users that sign up must double opt-in and choose which Pitmans Law Insights they specifically wish to receive.</p> <p>A link to our privacy policy – which shares in detail how we use data – is provided throughout the sign up process.</p>

*"The level of service has always been exemplary; they are fast to respond, proactive in approach and have a deep understanding of our business due to a long-term relationship."*

*"Responsive, commercially savvy and client-friendly."*

*"The team is commercial, flexible and diligent."*

Subject Access Requests (SARs)		
DPA	GDPR	Pitmans Law Way
<p>A member/data subject can ask to receive a copy of the data held by a company but at a cost of £10.</p>	<p>Organisations can no longer charge for SARs.</p>	<p>It's likely there will be an increase in SARs so we have a thorough but time-efficient process in place to deal with requests.</p> <p>All SARs are reviewed by our DPO who then liaises with our IT team to review each of our systems to extract all relevant personal data.</p> <p>A summary is then provided to the data subject clearly explaining where the data is stored and for what purpose. Any legal obligations to retain the data are explained at the same time.</p>

Right to Erasure		
DPA	GDPR	Pitmans Law Way
A member /data subject has the right to ask for all information held on them to be deleted but only if the data processing is causing unwarranted or substantial damage and distress.	There are no thresholds in place so requests to delete data are likely to rise. There will be some cases where requests can be refused such as when exercising or defending legal claims but these will be few and far between.	<p>Requests to delete data are routed through our DPO who liaises with our IT team to review each of our systems to extract all personal data.</p> <p>Where an individual unsubscribes to Pitmans Law Insights through our emarketing tool they are dynamically removed from our mailing lists in our CRM tool and their record is marked as opted out with a date and a time.</p> <p>They also receive a message to confirm an entry is being kept on our system, marked as opted out, to make sure we don't email again. Again a link to our <a href="#">privacy statement</a> is provided.</p> <p>If queries are submitted through <a href="#">pitmans.com</a> and the consumer does not provide consent our website is set up to delete records every 28 days.</p>

*"They are diligent and very thorough. They go beyond the call of duty."*

*"They are willing to go the extra mile for the relationship. You get a city performance from a regional office."*

*"They are a real people business and I have always received a first-class service."*

Penalties & Sanctions		
DPA	GDPR	Pitmans Law Way
The maximum amount an organisation can be fined is £500,000 or 1% of annual turnover. For a successful claim, a data subject must show that a data breach has caused them harm or financial loss. The burden is only on the data processors.	Fines can reach up to 4% of turnover or €20m. Data subjects will only have to show that a data breach has caused 'distress'. The punishments will apply to both data processors and data controllers.	We have all of the above in place to ensure we don't face a nasty surprise in May!

## About Pitmans Law

Banking & Finance  
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 Corporate  
 Debt Recovery  
 Dispute Resolution  
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Pensions  
 Real Estate  
 Restructuring & Insolvency  
 Wills, Tax & Trusts

Banking  
 Charities & Not for Profit  
 Energy  
 Hospitality  
 Insurance  
 Life Sciences  
 Real Estate  
 Retail  
 TMT  
 Transport

**13**  
 Areas of expertise

Over **25**  
 firms worldwide

The founding UK member firm of the global legal network, **Interact Law**



Tier 1 Ranked  
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 Regional Heavyweight  
 Lawyer 200 Star Performer

**Award winners**  
 Lawyer of the year  
 Law Firm of the Year  
 Lex 100 Best Work/  
 Life Balance



With Pitmans Law you can be assured of the quality of advice and service you demand from a city law firm - but with a distinction. The courage to stand apart, to think and act personally, with an uncompromising focus on achieving outstanding client outcomes. We say what we mean, matching our behaviours to our words.

Established for over 150 years, Pitmans Law is headquartered in Reading with offices in London and Southampton. The lower overheads of a regional office ensure we can provide city quality legal advice at a competitive price to deliver exceptional value for our corporate and private clients locally, nationally and internationally.

Pitmans provides legal advice to address our clients' needs across a wide range of industry sectors and specialisms including particularly strong specialist teams in pensions advisory, real estate, dispute resolution as well as corporate and commercial law. Our clients draw confidence from the top tier recognition Pitmans achieves in the industry benchmarking directories, Legal 500 and Chambers UK.

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