

STARTUP SATURDAY

Deciphering GDPR and its impact on India

CITIZENS' RIGHT New EU policy to protect private data forces companies to become compliant, or face action

With the European Union enacting the General Data Protection Regulation (GDPR) to protect its citizens' data, companies across the world have found themselves forced to comply with the new laws. Umeed Kothawala, chief executive officer (CEO) and co-founder, Extentia, speaks to Namita Shrivastava and explains the core of the new regulation and the way forward for companies to be GDPR compliant.

What is the GDPR?

Its aim is to protect the personal data and privacy of all citizens in the EU, and limit its export. GDPR could be the first law to hold companies of any size, accountable for the data that they collect, store, analyse, and use. This will mean all organisations that have a presence in the EU, process the data of EU citizens, have more than 250 employees or whose data-processing impacts the rights of data subjects, have to be GDPR compliant.

The data subject is also granted rights under GDPR. Any EU resident can demand the right to access information about them or they can demand to be forgotten, which would mean all data collected on them must be removed.

What does the regulation seek to protect?

GDPR largely focuses on protecting personally identifiable information (PII). This includes basic contact information, web data, health and biometric data, and other data which can be used to identify any specific individual. There are three parties responsible for ensuring compliance with these regulations. The first is the data controllers, who acquire and utilise the data. The next are the data processors, who seek and subsequently work on and analyse the data - acting as

service providers to controllers. The final group is the data protection officers who are appointed internally or externally, to respond to all queries and ensure compliance with GDPR.

How will companies implement it?

In order to use personal data, the involved parties must implement new measures to 'pseudonymize' data (a data management procedure where personally identifiable information fields within a data record are replaced by artificial identifiers, or pseudonyms), along with data protection measures being applied at the earliest. Companies can follow six steps to implement GDPR.

The first way to understand the GDPR legal framework, then, is to create a data register and classify the obtained data as is necessary. The fourth step is crucial. It includes a privacy and data protection impact assessment of policies within the organisation. The subsequent steps to access and document additional risks. Finally, to stay compliant, organisations must revise the previous steps, adapt and repeat them consistently.

How will the EU regulations affect businesses in India?

GDPR requires all data handling entities to obtain explicit, oral, written and specific consent for every instance of data captured. The consent must be taken with an affirmative act. During data collection, the companies are expected to explain how and why the data is obtained. They must also obtain consent, if the methods or the use of data changes. If the companies do not obtain consent or if it is not verifiable, then they are at risk of non-compliance.

Extracting the General Data Protection Regulation (GDPR)

GDPR was passed in the European Union (EU) to protect the privacy of the people of Europe. However, this is by no means an internal issue and has ramifications throughout the world. It is set to impact businesses across the world and it will make sense for startups to take note of how the GDPR's stiff penalties will change the way business is done.



The fine print

GDPR focuses on protecting personally identifiable information - any data that can be used to identify an individual.

EU citizens are given the right to:

Access information: Demand access to all data collected on the individual.

Be forgotten: If requested, all data collected on an individual must be deleted or removed.



Corporate responsibility

Companies handling data must institute a data protection officer - an individual with expertise in risk assessment and compliance monitoring skills.

Companies will have to conduct data protection impact assessments to identify, assess and mitigate or minimise privacy risks with data processing activities.



Not another Cambridge Analytica

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Updating your privacy policy

Umeed Kothawala, CEO and co-founder, Extentia, charts out six steps to become GDPR compliant:

- 1 Understand the legal framework
- 2 Create a data register
- 3 Classify the obtained data
- 4 Privacy and data protection impact assessment of policies in the organisation
- 5 Access and document additional risks
- 6 Review previous steps - adapt and repeat consistently



404 compliance not found?

If organisations are not compliant, they can face penalties as high as €20 million or 4% of their annual turnover.

The penalty will depend on which of the two options is higher.

WHERE INDIA STANDS

"In India we do not have any safeguards for our privacy. Aadhaar is just the beginning of creating a central repository of data, so besides the Supreme Court ruling that stated that Aadhaar is not mandatory for essential services, there is virtually nothing."

UMEED KOTHAWALA, CEO and co-founder, Extentia



As per Article 13 of the regulation, these companies are also required to provide information to the relevant customers about the data controller, data processing involved, length of retention of data, protection measures, and ways to exercise the customer rights that GDPR provides. To adhere to Article 22, the companies must restrict the use of intelligent algorithms in decision making and profiling of individuals. The algorithms used for analytics may have a significant effect on data capture.

If any of these specifications are not met, then the company can face penalties as high as

€20 million or four per cent of their annual turnover, whichever amounts to a higher value.

For Indian companies this is causing a lot of confusion. The copy-paste model will not work anymore. What companies are doing is sending out a mail asking their clients if they want to opt out or opt into data sharing. That, however, is not enough. According to the GDPR, you cannot consider a person as having opted in unless he specifically says so. There is also legacy data that companies still do not know how to deal with. There is no bandwidth to clear it up. So, there is confusion about it in India.

'GOOD INTENTION, POOR EXECUTION'

Umeed Kothawala, CEO and co-founder of Extentia, believes that such privacy protection laws harm businesses and divert attention to real threats to users. He said, "GDPR's positive intention has been overshadowed by being an unhelpful and potentially unrealistic piece of legislation. It imposes a heavy penalty on small and large companies while rewarding unethical organisations looking to evade the word of law. GDPR addresses current issues without an eye to the future by failing to take into account spambots, phishing and ransomware - which are likely to

become major issues in the next five to 10 years. Unfortunately, the unsubscribe button has diverted user attention from far riskier online behaviour. GDPR is running the very real risk of a domino effect whereby other countries will set up similar, but not the same policy, causing a nightmare of conflicting and contradictory demands on all organisations. Although GDPR has its heart in the right place, its aim of data protection has been overtaken by bureaucratic ambition and poor knowledge of how technology and the real world works."

they say

'PRIVACY IMPLEMENTED BY DEFAULT'



The EU, for us, comprises the second biggest market after the United States (US) and the monetary impact of GDPR on businesses is going to be significant. According to a PricewaterhouseCoopers survey, the estimated spend by American companies on GDPR compliance is to the tune of \$1 million to \$10 million. Businesses will require substantial modifications to how customer data is processed, stored and protected to be GDPR compliant. Privacy is now to be implemented not by design, but by default and built into all new products,

devices and business processes. Currently, there is a strong disconnect between understanding what data you have and how it is being used. That gap is what is filled now. Clearly understanding and controlling data is the foundation for compliance with GDPR.

At an operational level, a lot of measures are called for. Large businesses have to institute a data protection officer with an expertise in risk assessment and compliance monitoring skills. Secondly, companies will have to conduct data protection impact assessments (DPIAs) and privacy features have to be deployed throughout the daily operations of their businesses.

Sanjay Choudhary, co-founder and chief operating officer, Asti Infotech (global positioning system tracking solution provider)

'PAPERWORK AND OPPORTUNITY'



This is a regulation that currently is applicable only to the EU. Anyone doing business with the EU will have to comply with its norms. In our city, the software industry is well equipped to deal with such security compliances. For startups it will create a lot of paperwork, but it provides a short-term opportunity to some entrepreneurs to provide software that is GDPR compliant. It could also lead to new regulations in other countries like the US, which could come up with its own standards for data protection.

Kiran Deshpande, president, TIE Pune

'GET LEGAL ADVICE TO GET GOING'



A good legal expert on international data transfer and protection to get going. You may be in touch with lawyers for valuations, mergers or acquisitions, but it is more important for you to have good documentation for everything you do. Some startups may feel that if they are not receiving investments, then why bother? However, the more the data you process, the more you get for analytics and the more vulnerable you are for a privacy. Analytics are a hot favourite with investors. I would also advise all CEOs and founders to check their cloud service terms and conditions and undergo a refresher course on security and privacy controls.

Prakash Sharma, head of Autobulba connected transport system initiatives

ncrtc NATIONAL CAPITAL REGION TRANSPORT CORPORATION LTD.
(A JV of Govt. of India and participating State Governments)

NOTICE INVITING TENDER

"NIT No. DM/IM/17/2018" Miscellaneous Works from Sahibabad to Delhi including Ghaziabad Depot for Delhi-Ghaziabad-Meerut RRTS Corridor"

Estimated Cost of the Work ₹ 9 Crores

Completion Period 36 Months

For downloading the bid document, further details, addendum/corrigendum (if any) please visit NCRTC website www.ncrtc.in or CPP Portal www.eprocure.gov.in from 09.06.2018 to 17.07.2018 (1100 Hrs.).
Last date of submission of bids: 17.07.2018 up to 1100 Hrs. AGM Tender

7/8, SHF Fort Institutional Area, August Kranti Marg, New Delhi - 110048

IRCON INTERNATIONAL LIMITED
(A Govt. of India Undertaking)

CIN:U45203DL1975GO008171, Website: www.ircon.org

e-Procurement Notice

Tender No.: IRCON/2017/STP/ST/17/TENDER/PG-06(R) Date: 09.06.2018

Tenders in two stage bid system are invited from bidders meeting qualifying requirements for the work of "Design, Supply, Installation, Testing & Commissioning of Electronic Interlocking and Signalling System for connection with Construction of Coal Transportation System for Nabigarh Super Thermal Power Project, Nabigarh, Aurangabad District, Bihar".

Estimated Cost of the Work ₹ 111.35 Crores

Amount of Earnest Money Deposit ₹ 18,00,000.00

Completion Period 12 Months

Cost of Tender Documents ₹ 30,000.00

Last Date & Time of e-Bid Submission: 06.07.2018 upto 15.00 Hrs. (IST)

For further details, visit website www.tenderwizard.com/IRCON. Corrigendum, if any, would be hosted only on the website.

Chief General Manager / SAT
C-4, District Centre, Saket, New Delhi - 110017, Ph: +91-11-2569540 Fax: +91-11-2562200

verka
The Punjab State Cooperative Milk Producers Federation Ltd.

SCO No. 153-55, Sector-34A, Chandigarh-160022
EPABX No. 0172-3041812-13-14 www.verka.co

CORRIGENDUM

Reference to our tender notice published on 10.05.2018 in Ajit (Punjab) and Dainik Bhaskar (Hindi) & on 21-05-2018 in the Hindustan Times (English), the date for submission of the sealed tenders for the sale of Skimmed Milk Powder and White Butter is hereby extended upto 14-06-2018 at 01:00 PM and will be opened on same day at 03:00 PM. Rest of the other terms & conditions will remain same.

C-1784 Managing Director

MAHARASHTRA STATE ELECTRICITY TRANSMISSION COMPANY LTD.

INVITATION FOR BID (IFB) (LOCAL COMPETITIVE BIDDING)

SRM E-Tender No. T-1850 / MS/ETCL / CO / C&M / Pretender / TKC-Lines (RFx No. 6000000543)

MS/ETCL invites offers by SRM e-tendering in TWO bid system (Technical-Commercial Bid and Price Bid) from the eligible registered bidders for the turnkey construction of following lines

BHARAT HEAVY ELECTRICALS LIMITED
TRM DIVISION

Phone no.: 0755 - 2503659, E-mail: prabhat@bhel.in

NOTICE INVITING TENDER - 2018/19

Transformer manufacturing division is inviting tenders on two part bids for the supply, installation, testing and commissioning of the following activities, inside BHEL Bhopal factory premises.

Sr.	Brief details	NIT No.
1	Insulation items preparation	TRM / Contract / Insul / 18A02
2	Core Building	TRM / Contract / Core / 18C02
3	Asay & TG Preparation	TRM / Contract / Asay & TG / 18D02
4	Support activities in TCB div	TRM / Contract / Support / 18E02

Important Last date of tender receipt: 18.06.2018 at 11:00 a.m.
After 02:00 p.m. on the same day

Note: Tender documents alongwith all details can be downloaded from our website: www.bhelpl.co.in. Please submit separate bidding documents for each. All corrigendum, correction, amendments, time extensions, clarifications, etc. to the tender notice will be hosted on BHEL website (www.bhelpl.co.in and www.bhel.com). Bidders should regularly visit website(s) to keep themselves updated.

CPR-10(T)/77/18-19/TRM AGM - TRM (PLNG)

HT Correspondent
pranavshah@ht.com

PUNE: City's ace Pritha Vartikar displayed a dominant performance to knock off her second seed Vidhi Shah of Mumbai in the junior girls category of the state ranking table tennis tournament at Symbolis sports centre, Prabhurao on Friday.

Unseeded Pritha scripted the perfect underdog story to enter the semi-finals with the sensational win. It was expected to be a close match, but Pritha dominated proceedings.

After losing the first game, Vidhi came back strong with a



Pritha Vartikar. HT PHOTO

with 11-5, 13-11 and 11-7 scores in the next three games.

Third seed Samruddhi Kulkarni from Solapur was also surprised by Thane's sixth seed Khushi Shah. The Thane paddle entered the last four with a 8-11, 11-9, 12-10, 14-12, 11-3 victory over Kulkarni.

Top seed Aditi Sinha breezed past Pune's Swapnali Narle 13-11, 10-12, 11-7, 11-9, 11-6. Swapnali failed to show class consistency despite some flashes of brilliance.

Mumbai's Sampada Bhivandkar also booked her place in the semi-finals after registering a 6-11, 9-11, 11-9, 11-7, 11-5, 12-10 win over Pune's Preeti Gadhave.

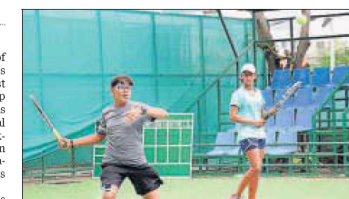
In the junior boys category, Gaurav Lohapatre is the lone city player to enter semi-finals. The fifth seed defeated Nagpur's Aadhi Chitnis 11-7, 7-11, 11-8, 11-4, 11-9 to make the top four. Eighth seed Aryan Panse from the city went down to top seed Deepit Patil from Thane, with the score reading 4-11, 7-11, 4-11, 6-11.

Second seed Dev Shroff and third seed Hrishikesh Maltotra, both from Mumbai, entered the semi-finals after defeating Sahil Joshi (Thane) and Ashwini Subramanian (Mumbai) respectively.

ATF U-14 TOURNAMENT

Doubles finals go to the wire, tiebreakers decide winners

Pranav Shahney
pranavshah@ht.com



PUNE: The third seeded duo of Daksh Agarwal and Manas Dhamme overcame a stern test posed by the favourites, and top seeds Shivam Kadam and Nishit Basalji in the boys doubles final of the MSLTAKPIT Arun Wakankar memorial ATF Arun Wakankar under-14 series tennis tournament held at the Balewadi sports complex on Friday.

Since the beginning it was impossible to predict the winner as both teams looked evenly matched, leading to a nail-biting contest.

With 10 games into the first set,

Ahluwasthi and Veda Prapurna top-seeded Hetve Chaudhari

Shruti Ahluwasthi (left) is all eyes on the ball as Veda Prapurna (right) watches on, at the Balewadi sports complex on Friday. HT PHOTO