

“Someone Should Do Something About This...”



WHAT GDPR IS AND WHY YOUR CITY OR RWD SHOULD CARE.

Mind your P's and Q's. And the TCR since the NPDWR set the MCLG and MCL. And the SDWA by the EPA. And the LCR. And FBRR. And the LTIESWTR. (Put that in your CCR!) Not enough? We might soon be adding more letters to this Alphabet soup: the GDPR from the EU.

What is GDPR?

The European Union made the General Data Protection Regulation active May 25, 2018, with the purpose of providing its citizens and residents strict data protection and privacy, including data exported outside of the EU. That means, any other country in the world who exchanges data from an EU citizen or resident is subject to this law. Despite a two year transition period, many businesses and systems who deal with customer data (which is almost everyone) have been in a scramble to make sure they comply with this international regulation that is directly binding an applicable even if not located in the EU.

How did this come about?

With so many security faux pas in current news, customers have felt at the mercy of big businesses with questionable or downright unsafe practices with their data. One individual protesting could barely be heard above the volume of marketing dollars and data mining profits. It has left many scratching their heads, lamenting, “Someone should do something about this.”

Now someone has. And that someone is the European Union. One might assume this stringent set of regulations was in response to recent prevalent data breaches, but in fact, these efforts had started long before. In 1995, the EU published its Data Protection Directive, but most ignored it as optional guidance. GDPR, on the other hand, has teeth. Violators of the GDPR may be subject to fines as steep as \$12 million.

Why should you care?

It's very unlikely that any Kansas rural water district or small city has any dealings with EU residents or citizens. And if they did, it's equally unlikely that the EU would sue a Kansas system to collect on any infractions. However, other countries and collections of countries are watching closely, poised to adopt similar measures, as their citizens demand protection and fair treatment. Rumor has it, the U.S. may be pressured to adopt similar regulation within the coming years. Given the fact that every city and water district



handles customer data, your system should start becoming familiar with these initiatives, if at least at a high level bird's eye view.

What should you know?

While the goals of this regulation are well-intended, its wording leaves almost no room for very many entities to do anything with data at all. Many have described GDPR as a “moving target” and no one knows how it will play out! While you have fun watching on the sidelines, it's important to think about how in the future, stringent data handling regulation might affect your procedures.

The most important preparation you can make is to take inventory of all of your data. How do you collect it? Where is it stored? Who has access to it? If you want to go further, read “Data Privacy and Protection: Shut the front door. And the back door”. See pages 86-87 in the March 2018 issue of The Kansas Lifeline.

You should know a few key terms that might be recycled if the U.S. implements similar regulation.

Data Controller: This is you. It's a person/entity who decides the purpose for which any personal data is to be processed and the way in which it is to be processed.

Data Processor: These are third parties that process data on behalf of the Data Controller, such as your website, billing software, etc.

Transparency: You have an obligation to inform your customers of how you use their data.

Consent: For some data, you can use it how you want if you obtain the user's consent. This is done explicitly, not by making them uncheck a box to be excluded. Think OPT IN, rather than opt out.

Performance of Contract: You might have an important reason to use data, for example, if you cannot fulfill an agreement with them otherwise.

Privacy Notice: This is a thorough and transparent explanation of your system's policies for using data. It's important to have one displayed prominently and available, such as on a link on your website or in emails.

Legitimate Interest: You might have an important reason to use data if there is a legal obligation or other mutual interest. This is a vague concept that needs careful assessment and justification to use without the users' consent.

Right to be forgotten: The right to erasure of personal data or “the right to be forgotten” enables an individual to request the deletion or removal of personal data whether there is no compelling reason for its continued processing.



Now what?

Ultimately time will tell how the GDPR crosses the big pond and makes a difference in policies in the U.S. Generally, the initiative is a win for the individual. It embraces practices that embody how a person's data should be handled. And although cities and water districts may not need to act now, staying informed is critical. You don't want to be caught unprepared for yet another regulation!

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