



EU- Representative (GDPR – Art. 27) for UK companies in Munich

&

UK- Representative for non-UK-companies in London

Does the GDPR still apply after 31-12-2020?

The exit of the UK from the European Union as of 31 December 2020 also has data protection implications, because despite the exit, the GDPR will continue to apply to UK companies that process personal data originating from the European Union:

1. providing goods and services to persons in the European Union or
2. monitor the behaviour of persons in the European Union, or
3. being a service provider and/or processor or getting sight to personal data subject to GDPR

If your company enables or facilitates customers in the EU to find your company's offer by advertising in EU countries or by offering it in the specific language, GDPR is most likely applicable. If your company offers personalized advertising or uses cookies to monitor the Internet behaviour of your customers, GDPR is most likely applicable.

We will gladly help you answer the question whether your company is affected or not.



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Does my company need an EU/UK-REP?

EU-REP

According to Article 27 GDPR a company not established in the EU is legally obliged to appoint an EU-REP in one of the EU countries concerned to comply with GDPR.

UK-REP

In addition to the GDPR, UK's Data Protection Act 2018 and The UK's Privacy and Electronic Communications Regulations 2003(PECR) also apply in the UK. DPA 2018 and PECR will continue to apply after the Brexit. The GDPR will be exchanged with a UK version which is almost identical to the European version, the „UK-GDPR“. So according to the UK-GDPR, companies outside the UK must appoint a UK representative for the same reasons as in Art. 27 GDPR above.

Companies outside of the UK that have already chosen an EU-REP and process personal data from UK are now forced by the Brexit to appoint a further representative – the UK-REP -in the UK to cover both areas and be in compliance with UK Data Protection requirement of the UK-GDPR (see details at <https://iapp.org/news/a/the-role-of-the-uk-representative-post-brexit/>).

What are our responsibilities as EU/UK-REP?

We as representative act as a contact point for data subjects and supervisory authorities on all matters relating to the processing of personal data, providing you with a direct point of contact within the EU.

In addition, your representative's range of tasks includes representing your company with regard to the obligations arising from the GDPR. This includes, among other things, receiving and forwarding applications from data subjects (e.g. for information or deletion) or providing the processing list at the request of the supervisory authority.

Our goal is to enable non-European companies to comply with GDPR by a combination of legal expertise and technology know-how. The practical insights we gain due to our role as appointed Data Protection Officer (DPO) for major banks, financial service providers, tech companies and other industries enable us to support you as EU-REP as well.

We support you in all privacy related matters and above all in helping your business grow by enabling



you to improve customers' trust and handling privacy matters in an efficient and professional way.

The EU-REP must be designated in writing by the controller or processor to be contacted by the supervisory authorities and data subjects on any data protection issues. We use a fully GDPR compliant EU-REP agreement.

How many representatives do I need?

In principle, only one GDPR representative is required for the EU, even if your company has branches in several EU countries. However, depending on the size of your company and the scope of data processing, it may be advisable to appoint more than one representative. Different languages and cultural and legal peculiarities in each EU Member State can cause additional difficulties.

What is the difference between an EU Rep and a Data Protection Officer?

An EU-REP has the task of representing organisations based outside the EU when it comes to their GDPR requirements. In other words, EU-REPs are a function of mandatory GDPR compliance (Art 27 GDPR). In contrast, a data protection officer is an independent expert who helps to facilitate and assess the compliance practices of the organisation. He is responsible for monitoring compliance and advising organisations on how to deal with their requirements from a data protection perspective.

Select an EU-REP

1. It is of particular advantage to appoint a data protection service provider as representative, who has a legal background and experience in the exchange with supervisory authorities and data subjects for data protection.
2. Your EU Rep can be any natural or legal person who is based in an EU member state within or from which you collect/utilize personal data.
3. If you collect information from data subjects in multiple countries, it may be best to select the one in which you collect the most data or conduct the most extensive monitoring or you expect



the highest frequency of requests.

The EU-REP essentially makes the process of dealing with any issues or implementation of guidance much simpler, as they can communicate with subjects in local languages and have a more in-depth knowledge of the authorities in their area.

CYBERLEGIS is a boutique law firm specialising in Europewide Data Protection, Cybersecurity and Compliance. Some reputed names of European businesses rely on us because our lawyers have a long track record and work knowledgeable and cost-effective.

This is the service scope provided by CYBERLEGIS RA GmbH (hereinafter “CYBERLEGIS”) for EU-REP to UK companies:

- ✓ **EU-REP qualification: CYBERLEGIS provides only licenced privacy lawyers with min. 10 years of experience in privacy law**
- ✓ **Location: The law firm is located in Munich**
- ✓ **EU-REP communication: Telephone service with English-speaking staff/ 9am-5pm / fax / E-Mail**
- ✓ **Languages: EU-REP is fluent in German and English**
- ✓ **Reporting: EU-REP issues a yearly report to client on all requests to EU-REP during calendar year**
- ✓ **Volume of EU-REP services: All mandatory EU-REP services under art. 27 GDPR are included**
- ✓ **Fee EU-REP: Yearly flat fee: Annual price net 4.000,00 EUR (no matter the size of company)**
- ✓ **Contract: Can be terminated 4 weeks period to the end of each calendar month**
- ✓ **Liability: CYBERLEGIS provides 1.5 million liability by default for EU-REP services**

This is the service scope provided by CYBERLEGIS for UK-REP:

- ✓ **UK-REP qualification: CYBERLEGIS provides only licenced privacy lawyers with min. 10 years of experience in privacy law.**
- ✓ **Location: the law firm is located in Munich**
- ✓ **UK-REP communication: Telephone service with English-speaking staff / 9am-5pm / fax / E-Mail**
- ✓ **Languages: UK-REP is fluent in German and English**
- ✓ **Reporting: UK-REP issues a yearly report to client on all requests to EU-REP during calendar year**



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- ✓ **Volume of UK-REP services: All mandatory UK-REP services under UK-GDPR are included**
- ✓ **Fees UK-REP: Yearly flat fee: Annual price from net 1.200,00 EUR (no matter the size of company)**
- ✓ **Contract: Can be terminated 4 weeks period to the end of each calendar month**
- ✓ **Liability: CYBERLEGIS provides 1.0 million liability by default for UK-REP services**



No set up fees



Data subject contacts



A Compliant EU-REP agreement



Local authority contacts



Data breach support



Secretary answering phone calls



Yearly EU-REP report



Experienced privacy attorneys



Contact by Tel/Fax/E-mail



Access to our help-desk

For more information, kindly send an email to

niedermeier@cyberlegis.io

RA Robert Niedermeier CIPP/E CIPT CIPM FIP

Or visit our website www.cyberlegis.legal for further information.