



Proposal for **GDPR** **GAP Analysis**

WHY CARRY OUT A GDPR GAP ANALYSIS?

The focus of the GAP analysis is to determine whether an organisation has implemented certain policies and procedures to regulate the processing of personal data. The analysis also allows us to check that the policies are being followed when such data is processed.

When an organisation complies with these requirements, it is effectively identifying and controlling risks to prevent breaching the GDPR (now known as the UK GDPR after Brexit) and is therefore protecting itself in the event of a data breach and subsequent enquiry by the Information Commissioner's Office (ICO).

A failure to abide by a proper process can lead to a financial penalty imposed by the ICO and possibly a legal claim from those whose data has been breached. This can involve a number of data subjects, depending on the type and nature of the breach.

The analysis will typically assess the organisation's procedures, systems, records and activities in order to:

- ensure the appropriate policies and procedures are in place;
- verify that those policies and procedures are being followed;
- test the adequacy controls in place;
- detect breaches or potential breaches of compliance; and
- recommend any indicated changes in control, policy and procedure.

We will then make recommendations on how to mitigate the risks of non-compliance, reducing the chance of damage and distress to individuals and regulatory action being taken against the organisation for a breach of the UK GDPR and Data Protection Act 2018. By carrying out a GAP analysis, you will give your business or organisation the best chance of avoiding any sanctions in the event of non-compliance and avoid the costs of a full-blown audit being carried out, either voluntarily or by the ICO.

WHY SARACENS?

Responsiveness, incisiveness and insight follow as part of effective, practical advice, delivered with outstanding client service by a core team that is strongly motivated to achieve the best for a client that they know and understand.



Brian Miller
Senior Consultant
bmiller@saracenssolicitors.com
DDI: +44 (0)203 588 3538



Fraz Butt
Senior Partner
fbutt@saracenssolicitors.com
+44 (0)203 588 3500

Sector Experience and Qualification

Saracens has many years of experience dealing with companies and businesses. We advise in many areas of law, including defamation, property, litigation, charity and commercial law, as well as regulatory issues.

Brian Miller

Brian Miller, our data protection expert will handle this matter (see bio, further in this document), is an experienced data protection lawyer with nearly thirty years' experience advising on intellectual property, data protection, information technology, data security, music, interactive entertainment and commercial law.

Brian Miller, one of our data protection experts (bio below), is an experienced data protection lawyer with nearly thirty years experience advising on intellectual property, data protection, information technology, data security and commercial law. He has also carried out a number of data protection and intellectual property audits* for businesses and not-for-profit organisations.

Brian has attended the British Computer Society Data Protection Practitioner five-day course. He also regularly gives presentations on data protection and data security.

Data Protection & Privacy

Data protection and privacy issues impact all business and industry sectors across the globe. The UK has a mature system of data protection laws and we have considerable experience in advising businesses and organisations on compliance and other legal issues in this area. Our experience extends internationally for entities that process personal data cross border as a matter of normal operational practice.

We have advised many clients (UK and international) on website privacy policies, internal data protection compliance and preparing both inward and public-facing data protection policies. We address data protection issues within commercial contracts on a daily basis, with particular regard to the processing of special category data, the transfer of data outside the European Economic Area (EEA), increasingly in the context of cloud computing and Software as a Service (SaaS) outsourcing arrangements.

* Please note that a gap analysis is not a full blown audit and does not include visiting your offices, interviewing employees and examining your records, which would be beyond the scope and budget of a gap analysis. If you would like further information about carrying out a data protection audit, please contact us using the details below.

What Does A Gap Analysis Involve?

The process is split into three stages, as follows:

1. **Fact Find.** We will supply the client with a series of six questionnaires (or checklists) to complete, which essentially cover off the following key areas:
 - a. Data controller
 - b. Data Processor
 - c. Information security
 - d. Data sharing and subject access
 - e. Records management
 - f. CCTV
2. **Review.** Following receipt of the requested information we will undertake a review. Our checks will assess the quality and substance of the documentation (both policies and specimen contracts) and systems before determining what additional enquiries we need to raise.
3. **Report and Findings.** Once we have all the information to hand, we will prepare our report and submit it to you in draft form. If we have any outstanding queries, we will raise them at this point, otherwise the report will be finalised and sent to you for review. You may raise any queries on anything in it which is not clear or on which you would like further information and we will do our best to accommodate your needs.

How Much Does the Review Cost?

Work of this nature is time-consuming and complex and can run to many hours. We have, through our experience of running GAP analyses of this nature, managed to streamline the process by creating and providing the questionnaires referred to above in order to move quickly to the key facts and issues affecting your business or organisation.

We are therefore able to offer you a fixed price for undertaking the gap analysis and providing you with a written report (which usually runs to around fifty pages).

The fee for undertaking the GAP analysis depends on turnover and number of employees. In most cases, for:

- SMEs with ten employees* or fewer or turnover of £632,000 or less
- Charities or exempt charitable status, regardless of size or turnover
- Public authorities with ten employees or less

the fee will be £4,995 plus VAT. Please contact us regarding further information on pricing if your business or organisation does not fall into the above category.

* If your employee numbers vary or have changed, use the average number of people employed in your organisation during the last full financial year. To find the average, add together the number of employees (that is all your employees, workers, office holders and partners) you employed for each month in your organisation's financial year and divide by that number of months.

FRAZ BUTT BIO



Background

Fraz qualified as a solicitor in 2001 having spent his formative years working in private practice for some of the world's largest law firms within the areas of banking and commercial law. After going on to spend a couple of years working in-house for a large finance house, in 2005, he co-founded Saracens Solicitors. Bringing with him some twenty years of experience in his capacity as senior partner and director of the firm, he acts for a wide variety of clients.

Practice Areas

Fraz oversees non-contentious law within the business. His clients include high net worth and high-profile individuals/celebrities, family offices, property developers, banks, corporations, technology companies, international charities and government officials. He also heads up the departments managing other specialist partners and senior managers within the firm.

Within the firm and amongst his client pool, he is known for getting the deal done and exceeding his clients' expectations; this is what he requires of himself and his team members as a minimum. Fraz also sits as one of the senior executives on the management team, overseeing the strategic objectives of the business and marketing/outward communications. He is well known for his problem-solving abilities and creativity.

BRIAN MILLER BIO



Background

After graduating from Cambridge University with a Masters in Law and qualifying as a solicitor, Brian has been a partner in several London law firms, as well as in-house IT/Legal Counsel for both NSPCC and Portsmouth City Council, before joining Saracens. He was formerly Head of Legal Affairs at Virgin Interactive and Acting Head of Legal Affairs at Phonographic Performance Limited, Sega Europe and Computer Artworks (on secondment).

Practice Areas

Brian is senior consultant in the Commercial and Corporate team, specialising in all aspects of data protection, IP & IT and commercial law, with particular emphasis on technology contracts, as well as intellectual property (including brand exploitation and protection), interactive entertainment, e-commerce, information management and commercial contracts. Areas covered include:

- Advice on data protection, GDPR and related areas (including gap analyses)
- Software development and publishing agreements
- System supply, support and maintenance agreements
- Website terms and conditions
- Trade marks, copyright and design rights
- distribution agreements and terms of trade
- franchising agreements



 **SARACENS**
SOLICITORS™

Strand Bridge House
London WC2R 1HH
+44 (0)20 3588 3500



saracenssolicitors.co.uk