

THE IRON MOUNTAIN

# GDPR JARGON BUSTER

## DON'T KNOW YOUR BCRS FROM YOUR DPOS? IF SO, YOU'RE NOT ALONE.

The new EU General Data Protection Regulation (GDPR for short, and yet another set of initials you'll have to familiarize yourself with) is full of them, and they'll be coming your way thick and fast. It's hardly surprising many businesses are struggling to keep up.

Help is at hand with the Iron Mountain GDPR Jargon Buster. So next time someone comes at you wanting details of your Consistency Mechanism, you'll not only know what they're talking about, you should be able to point them in the right direction. (Hopefully without baffling them with too much jargon in return).

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	WHAT THEY SAY	WHAT THEY'RE ACTUALLY TALKING ABOUT
A	<b>Ad hoc clauses</b>	A set of clauses for Cross-Border Data Transfers, which require prior approval by a DPA.
	<b>Adequacy Decision</b>	A decision by the Commission to designate a third country as an Adequate Jurisdiction.
	<b>Adequate Jurisdiction</b>	This refers to one of the following jurisdictions that have been designated by the Commission as providing an adequate level of protection for personal data: Andorra, Argentina, Canada (for organizations that are subject to Canada's PIPEDA law), Switzerland, the Faroe Islands, Guernsey, Israel, Isle of Man, Jersey, New Zealand, Uruguay, and the US (for organizations that are certified to the EU-US Privacy Shield).
B	<b>BCRs</b>	Binding Corporate Rules, a mechanism for conducting lawful Cross-Border Data Transfers within a corporate group without introducing additional safeguards.

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	<b>CFR</b>	Charter of Fundamental Rights of the European Union.
	<b>CJEU</b>	Court of Justice of the European Union.
	<b>Code of Conduct</b>	A code adhered to by an organization, which may provide evidence of compliance with the requirements of EU data protection law.
	<b>Commission</b>	The European Commission.
	<b>Concerned DPA</b>	A DPA of a Member State, the residents of which are affected by an organization's data processing activities (e.g., if Italian residents are affected by the relevant processing, then the Italian DPA is a Concerned DPA).
<b>C</b>	<b>Consistency Mechanism</b>	The mechanism set out in GDPR which requires DPAs to ensure that they enforce the GDPR in a consistent manner.
	<b>Controller</b>	The person(s) who determine the purposes and means of processing personal data.
	<b>Costeja</b>	This refers to the decision of the CJEU in the case of Google v Costeja. Basically, it rules that an Internet search engine operator is responsible for the processing it carries out of personal information which then appears on web pages published by third parties.
	<b>Council</b>	The Council of the European Union.
	<b>Cross-Border Data Transfer</b>	A transfer of personal data to a recipient in a country outside the EEA.

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	WHAT THEY SAY	WHAT THEY'RE ACTUALLY TALKING ABOUT
D	<b>Data breach</b>	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, personal data transmitted, stored or otherwise processed.
	<b>Data exporter</b>	A controller or processor established in the EEA that transfers personal data to a data importer outside the EEA.
	<b>Data Importer</b>	A controller or processor located in a third country that receives personal data from the data exporter.
	<b>Data Protection Principles</b>	The principles that govern the processing of personal data.
	<b>Data subject</b>	An individual who is the subject of the relevant personal data.
	<b>Directive</b>	EU Directive 95/46/EC. This is the directive on handling personal information, which precedes the GDPR.
	<b>DPA</b>	Data Protection Authority. Each Member State appoints one such authority to interpret and enforce data protection law in that Member State. Sometimes referred to as the Supervisory or Regulatory Authority.
	<b>DPO</b>	Data Protection Officer. This is the individual within an organization responsible for ensuring privacy obligations and responsibilities are met.

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	WHAT THEY SAY	WHAT THEY'RE ACTUALLY TALKING ABOUT
E	<b>ECHR</b>	The European Convention on Human Rights.
	<b>EDPB</b>	The European Data Protection Board.
	<b>EDPS</b>	The European Data Protection Supervisor is the independent supervisory authority at EU level with responsibility for: <ul style="list-style-type: none"> <li>- monitoring the processing of personal data by the EU institutions and bodies</li> <li>- advising on policies and legislation that affect privacy</li> <li>- cooperating with similar authorities to ensure consistent data protection.</li> </ul>
	<b>EEA</b>	The European Economic Area (which is made up of the 28 Member States, together with Iceland, Liechtenstein and Norway).
	<b>ePrivacy Directive</b>	Directive 2002/58/EC, subsequently amended by Directive 2009/136/EC. An early attempt to regulate data protection and privacy in the digital age.
	<b>Establishment</b>	Whilst in this context it refers to where a business activity is based, the term is not precisely defined. The key question is whether there is effective and real exercise of activity through stable arrangements. So, for example, a branch or subsidiary office can be an establishment, while a travelling salesperson is unlikely to be seen as such.
	<b>EU-US Privacy Shield</b>	This is the mechanism which provides a lawful basis for transfers of personal data from the EU to US organizations that certify to the EU-US Privacy Shield, pursuant to Commission Decision C(2016) 4176.
	<b>European Parliament</b>	The Parliament of the European Union.
G	<b>GDPR</b>	Regulation (EU) 2016/679, better known as The General Data Protection Regulation. GDPR protects the right of European residents to determine whether, when, how and to whom their personal information is revealed and how it can be used. It applies to any organization which is based or in the EU or processes data on anyone living there, and it covers the acquisition, use, transmission, storage, destruction and breach of personal data.
	<b>GDPR Effective Date</b>	25 May 2018, effectively the date from which enforcement of GDPR begins. If you are still not GDPR compliant by then, expect to face significant fines for violations.

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	WHAT THEY SAY	WHAT THEY'RE ACTUALLY TALKING ABOUT
I	<b>Impact Assessment</b>	A Data Protection Impact Assessment, which is a structured review of a particular processing activity from a data protection compliance perspective.
L	<b>Lead DPA</b>	The authority which will be handling the EU co-operation procedure amongst the other European DPAs. (e.g. in BCR approval procedure).
M	<b>Main establishment</b>	For a controller, this is the place of its central administration in the EU (or, if none, the place in the EU where its main processing decisions are taken). For a processor, it is the place of its central administration in the EU (or, if none, the place in the EU where its main processing operations take place).
	<b>Member State</b>	A Member State of the European Union (i.e., Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom).
	<b>Model Clauses</b>	These are the various sets of Standard Contractual Clauses for Cross-Border Data Transfers, approved and published by the Commission.
O	<b>One-Stop-Shop</b>	This is the principle that an organization operating in multiple Member States should have a lead DPA that provides a single regulatory point of contact, based on the place of its main establishment in the EU.
P	<b>Personal data</b>	Information relating to an identified or identifiable individual.
	<b>Processing</b>	Any operation that is performed upon personal data.
	<b>Processor</b>	A person or entity that processes personal data on behalf of a controller.
	<b>Profiling</b>	Processing for the purposes of evaluating personal data in order to analyze or predict the behavior of a data subject.

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	WHAT THEY SAY	WHAT THEY'RE ACTUALLY TALKING ABOUT
S	<b>Safe Harbor</b>	This is a data transfer mechanism agreed between the US and the EU. The Commission Decision was subsequently held to be invalid by the CJEU in the case of Schrems (see below). Safe Harbor can also refer to the agreement between the US and Switzerland for the same purpose.
	<b>Schrems</b>	This refers to the decision of the CJEU in the case of Schrems v Data Protection Commissioner (Case C-362/14). Austrian privacy advocate Max Schrems successfully challenged the right of Facebook, which is incorporated in Ireland, to transfer his personal data to the United States.
	<b>Sensitive Personal Data</b>	This is personal data revealing race or ethnicity, political opinions, religion or beliefs, trade union membership, physical or mental health or sex life. GDPR adds genetic data to this list. Data relating to criminal convictions or related security measures are also treated as sensitive in many Member States.
T	<b>TFEU</b>	The Treaty on the Functioning of the European Union.
	<b>Third country</b>	A jurisdiction outside the EEA.
W	<b>WP29</b>	This is the Article 29 Working Party, an EU-level advisory body made up of representatives from national DPAs and the EDPS, created under Article 29 of the Directive. Under GDPR, WP29 is effectively replaced by the EDPB.

For over 60 years Iron Mountain has been advising organizations of all sizes across all sectors on best practice in managing their information. Our consultants are happy to discuss in everyday language how they can help your business navigate its way through the maze of becoming GDPR compliant.

**Learn more about GDPR for Information Governance Professionals**

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