

A photograph of a modern, multi-story building with a glass facade at night. The building's interior lights are on, and the glass reflects the surrounding environment. The text is overlaid on the image.

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HOW DOES GDPR AFFECTS THE  
TOURISM INDUSTRY IN THE  
CARIBBEAN

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ABOGADOS

# A G E N D A – GDPR IN THE CARIBBEAN

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## THE LAST FRONTIER OF THE LAWYER'S FUNCTION

# THE LAST FRONTIER FOR THE LAWYER'S FUNCTION

- Rapid technological developments and globalization have brought new challenges for the protection of personal data. The scale of the collection and sharing of personal data has increased significantly.
- *“Lawyers have to be prepared to advise **not only within the framework of the traditional models of new technologies...**”* – Javier Cendra, Dean of IE Law School.
- Universities should train **global lawyers** with a **deep understanding of technology and its implications** .



REGULATION (EU) 2016/679

# Why does Regulation (EU) 2016 679 concerns the Caribbean?

- **Individual personal data protection is a fundamental right.** The GDPR applies to ‘personal data’ meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier.
- **The processing of personal data of data subjects** who are in the Union **by a controller or processor not established in the Union should also be subject to this Regulation**, when it is related to the monitoring of the behaviour of such data subjects in so far as their behaviour takes place within the Union.
- When personal data are transferred from the Union to controllers, processors or other recipients in third countries or to international organizations, the level of protection of natural persons ensured in the Union by this Regulation should not be undermined, including in cases of onward transfers of personal data from the third country or international organisation to controllers, processors in the same or another third country or international organization



## Territorial Scope- Global Reach (Art. 3)

*“This Regulation applies to the processing of personal data in the context of the activities of an establishment of a controller or a processor in the Union, regardless of whether the processing takes place in the Union or no.*

*This Regulation applies to the processing of personal data of data subjects who are in the Union by a controller or processor not established in the Union, where the processing activities are related to:*

*the offering of goods or services, irrespective of whether a payment of the data subject is required, to such data subjects in the Union...”*



## IN OTHER WORDS..

Even if Caribbean-based companies have no physical presence in the EU, they can still be subject to the **GDPR**, if they process an EU resident or visitor's personal data in connection with goods or services offered to those individuals. Because they hold sensitive data like: credit cards, passports, addresses.



## DATA PROTECTION OFFICER (Arts. 37, 38, 39)



- The data protection officer may be a staff member of the controller or processor, or fulfil the tasks on the basis of a service contract.
- Inform and advise the controller or the processor and the employees who carry out processing of their obligations pursuant to this Regulation.
- The data protection officer shall in the performance of his or her tasks have due regard to the risk associated with processing operations, taking into account the nature, scope, context and purposes of processing.

FOUR (4) DIFFERENT CARIBBEANS

## FOUR DIFFERENT CARIBBEANS

- For operation and implementation process we need to be aware that the Caribbean is composed of four different realities. French Caribbean, English Caribbean, Spanish Caribbean and Netherlands Caribbean.
- Communication in business is normally conducted in English.

# CHAIN HOTELS VS INDEPENDENT HOTELS

# CHAIN HOTELS VS INDEPENDENT HOTELS

- The impact of the implementation of this regulation will be much more significant in terms of cost, logistics and business for independent hotels.



# GETTING PREPARED FOR GDPR

# Getting prepared for GDPR Data Protection Checklist



- 1) Understanding GDPR- Research, speak to experts.
- 2) Risk Assessment- identifying where is your EU citizen data store and which are the biggest areas of risk.
- 3) Accountability- Inventory of all personal data of EU citizens your Enterprise holds.
- 4) Remediation- What needs to be done to bring your organization into GDPR compliance?
- 5) Create a Data Protection Plan.

## CONCLUSIONS

- GDPR is here, and it is here to stay. It is time to start perceiving it as an opportunity to:
  - *“Transform your approach to privacy;*
  - *Harness the value of your data, and ensure your organization is fit for tomorrow’s digital economy;*
  - *This means getting ready now.”*- Toby Spry- Cybersecurity and Privacy Director at PWC.