

# GDPR and Microchipping

## Compliant or Complacent?

# Your Presenters

**Karis Brummitt**

CMO Microchip Central

**Nick Brummitt**

Founder / Director Microchip Central

**Richard Fry**

Founder / Director MicroID



# Disclaimer

This is NOT legal advice

No legal review has been undertaken of this material

We are not lawyers!



# We will discuss

- Introduction to the GDPR
- The principles of the GDPR and how they apply to microchipping
- Approaches to registering microchips and steps to consider with legislation in mind
- An introduction to Microchip Central's approach to GDPR
- Case Study from Richard Fry

# Introduction to the GDPR

# General Data Protection Regulation

REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 27 April 2016

on the protection of **natural persons** with regard to the **processing of personal data** and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

50,000 word Document



# General Data Protection Regulation

The Biggest Legislative Change

The Data Industry has Ever Seen

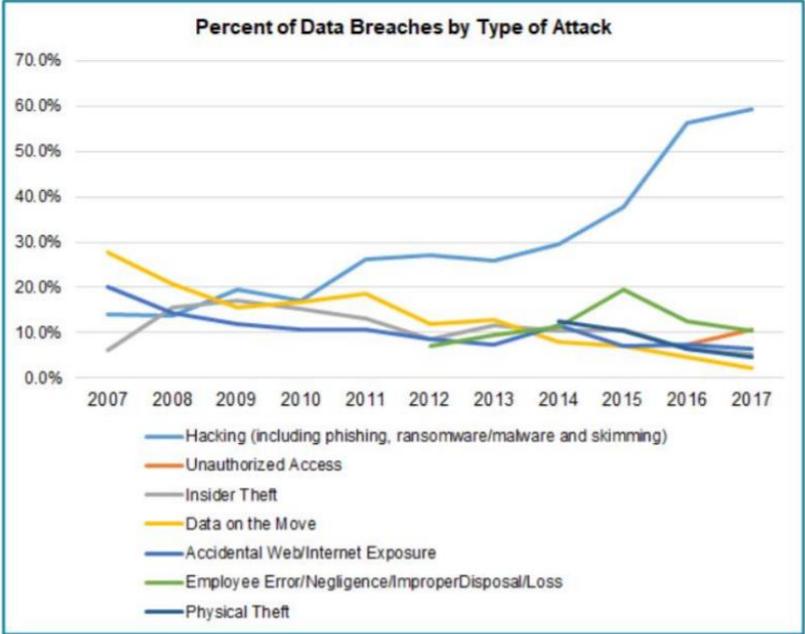
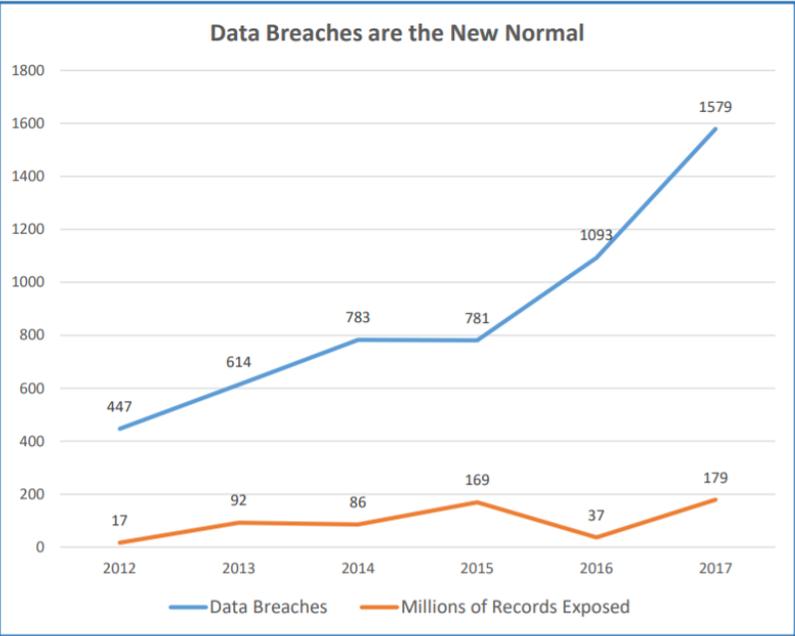
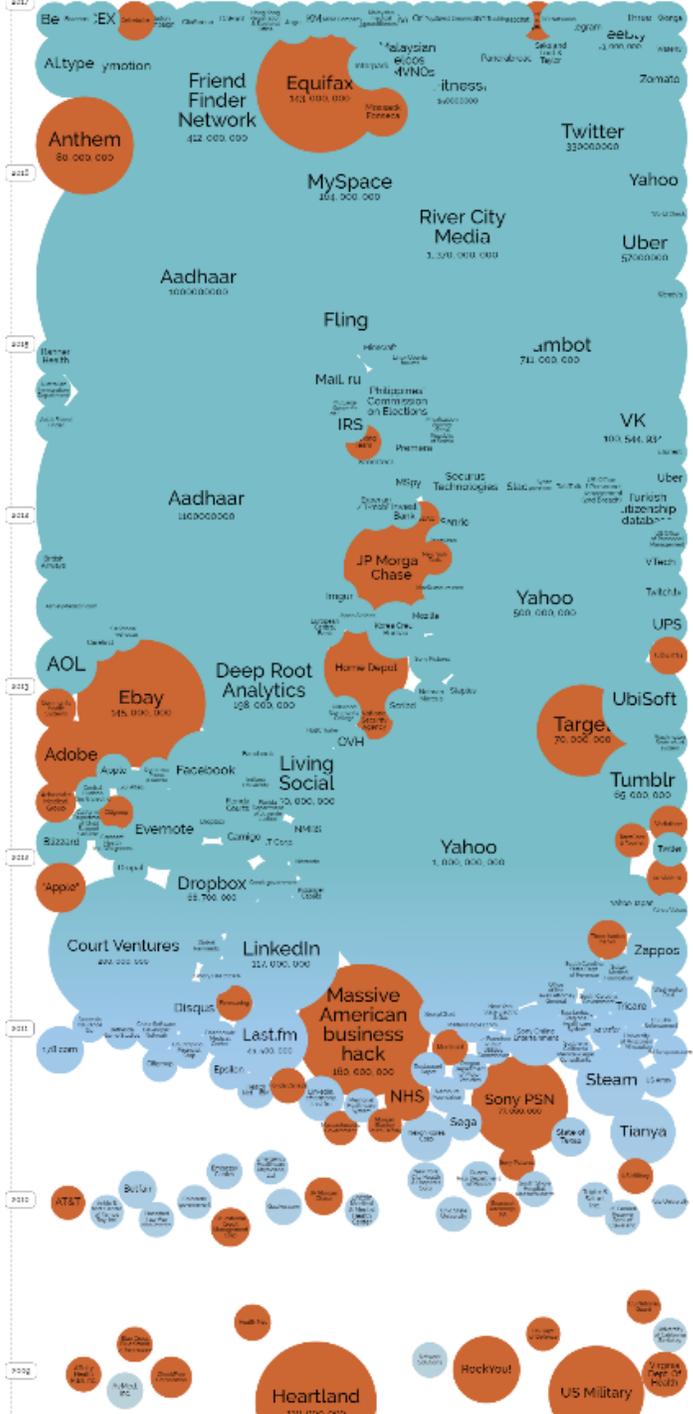
“There’s a lot in the GDPR you’ll recognise from the current law”

“but **make no mistake**, this one’s a game changer for everyone”

Elizabeth Denham, UK Information Commissioner, 17 Jan 2017



# Data Breaches are on the rise



25<sup>th</sup> May 2018

7 Days!

# Roles

- Data Subject
- Controller
- Processor

# Data subjects rights

Right to be informed

Right to access

Right to rectification

Right to be erasure

Right to restrict processing

Right to data portability

Right to object

Rights in relation to automated decision making and profiling

# Accountability

*“The controller shall be responsible for, and be able to demonstrate, compliance with the principles”*

**39 of the 99 GDPR Articles require evidence to demonstrate compliance**



# Demonstrating Compliance

*“In order to be able to demonstrate compliance with this Regulation, the controller should adopt internal policies and implement measures which meet in particular the principles of **data protection by design and data protection by default**”*

# Key Changes

- Increased territorial scope
- Higher standards of consent
- More emphasis on documentation
- Increased rights of data subjects
- Increased liability for data controllers
- Duty to notify ICO of breaches

Penalties 4% turnover or EUR 20 million, whichever is greater

Such penalties shall be **effective, proportionate and dissuasive**



# The 6 Principles



# Lawful, Fair and Transparent

“Data shall be processed **lawfully, fairly and in a transparent** manner in relation to individuals”

GDPR Article 5 (1a)



# Consent

- The GDPR sets a high standard for consent. It is organic ongoing and actively managed and not a one off tick box!
  - Unbundled
  - Active opt-in
  - Granular
  - Named
  - Documented
  - Easy to withdraw
  - Clear
  - No imbalance in the relationship





## Purpose Limitation

“Personal data shall be collected for **specified, explicit and legitimate purposes** and not further processed in a manner that is incompatible with those purposes”

GDPR Article 5 (1b)



## Data Minimisation

“Personal data shall be **adequate, relevant and limited** to what is necessary in relation to the purposes for which they are processed”

GDPR Article 5 (1c)



## Data Accuracy

“Personal data shall be **accurate** and, where necessary, **kept up to date**; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay”

GDPR Article 5 (1d)



## Storage Limitation

“Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed”

GDPR Article 5 (1e)





# Integrity and Confidentiality

“Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures”

GDPR Article 5 (1f)



# The best compliance is deterministic

- It's not that you 'did the right thing'
- It's that 'the right thing is ALWAYS done'

The use of data should be driven by the consent given and the processing policies agreed to.

# Approaches to Registering Microchips

# Microchipping Law

- All dogs must be microchipped and registered on a DEFRA compliant database by the time they are eight weeks old.
- Puppies must first be registered to the breeder.
- Microchip certificates are not proof of ownership.
- Temporary keepers should be set for dogs if left in someone else care for what is deemed a reasonable length of time.



# Questions you should be asking when choosing a microchip database

- How do you gain consent? Is it lawful fair and transparent?
- How is data stored? Where?
- Who has access to the data?
- Who is it shared with?
- Do they have a retention policy?
- How can someone contact them to exercise their rights?
- How is data protected?
- How can someone update their consent?
- Do they have the ability to set a temporary keeper?
- If they are a processor, do you have a Processor Agreement
- BUILT USING THE LATEST TECHNOLOGY



# Approaches to microchipping

1. Keepers can register their pet themselves

Keepers often forget to do this or assume the vet has done it as part of microchipping the pet

2. You could help with the registration if consent is given to do so...



# Microchip Central and the GDPR

# Microchip Central

- Double opt in for account creations
- Changes to our registration system and consent option
- Organic ongoing consent
- Forms for those with no email
- Google authenticator to login
- Consent for holiday keepers
- Hide data for accounts who haven't given consent
- Plus our addition security around encryption / frequent backups etc
- Updates to our privacy policy and T&C
- Built out our retention policy – A LOT

Similar for vet, breeder, implanter, welfare and keeper account

- Yes, I consent to Microchip Central sharing my contact details for the purpose of reuniting my pet should its microchip be searched.
- Yes, I'd like to hear about updates available to me about my Microchip Central account.

Save Details



Google Authenticator

**Microchip Registration Form**  
PLEASE TRANSFER THIS DATA INTO MICROCHIP CENTRAL IMMEDIATELY.  
IF THE PERSON DOES NOT HAVE AN EMAIL – DOWNLOAD THE [NO EMAIL REGISTRATION FORM](#)

Page 1 of this form is for the implanter. Page 2 must be given to the keeper. Please complete all fields with a (\*).  
Only tick the options that apply to the person you are creating the new account for\*.

They are a pet owner  
 They are a pet breeder (licensed or hobby)  
 They are a welfare centre

First Name\*: Last Name\*:  
Mobile Number\*: Alternative Number\*:  
Email Address\*: Alternative Email Address\*:  
User ID - If the person already has a Microchip Central account:

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Address Line 1\*: Address Line 2\*:  
Address Line 3\*: Town/ City\*:  
Country\*: Postcode\*:  
Country\*:

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Implanter Code / Pin: Veterinary Practice Name:  
Breeder Licence Number: Breeder Local Authority:  
Kennel Club Registered: Yes / No

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Type of Pet\*: Name of Pet:  
Breed\*: Gender\*:  
Date of Birth\*: Appearance\*:  
Neutered\*: Yes / No Microchip Number\*: \_ \_ \_ \_ \_

Official Pet Name from Breeder:

The keeper can register the pet themselves at Microchip Central or any other DEFRA compliant database, however if they wish for you to create the account on their behalf please get the keeper to tick the following boxes and sign and date this form. All boxes must be ticked for us to accept the registration this way

Yes, I consent to a Microchip Central account being created on my behalf for the purpose of reunification if my pet is lost and found \*

Yes, I understand I have 28 days to activate my Microchip Central account FREE. There will be future administration fees on inactive accounts as stated in the terms and conditions\*  
You have the right to withdraw your consent and have your data removed at any time on request by contacting Microchip Central

Keepers Signature: Date:

MicroChip Central

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# Keepers Can Register Themselves

1. Create an account and select their consent options
2. Verify the creation of the account via email
3. Start adding pets to their account

Or post a 'no email' registration form back to us



# Implanter Can Register the Pet (email required)

- Download a Microchip Registration Form
- Complete and gain consent
- Keeper keeps page 2
- You create their account – (Do not delay doing this)
- 28 day activation
- Store the consent in your client notes, scan and store it electronically, or in your paper filing system



# Case Study From Richard Fry

# For More Information

- [ICO - GDPR](#)
- [Microchipping of Dogs Act](#)

## Photo Credits

<http://www.informationisbeautiful.net>

<https://www.alfretonparkvets.co.uk/microchips/>

<https://atmanco.com/>

<https://dhanendranblog.wordpress.com/>

<https://www.computerworlduk.com/data/>



Questions