Smart Homes, Smart Living & Tracking – IoT Inside and Out

Juni 2019
Traditionally

Private sphere = **No** legal requirements
Private sphere "light" = Many legal requirements
A supplier is not just a supplier (data controller/data processor)

- Every stakeholder wants access to personal data (e.g. upselling, benchmarking, development of new services)
- Role in data protection perspective (data controller, joint datacontrollers, data processor)
- Not just one developer, hoster, supporter but many (often complicated setup)
<table>
<thead>
<tr>
<th>Purpose</th>
<th>Necessary</th>
<th>Legal basis</th>
<th>Transparency</th>
<th>Security</th>
<th>Data Protection by Design/Default</th>
<th>DPIA (Data Protection Impact Assessment)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• What purpose for processing personal data in an IoT solution?</td>
<td>• Only processing of necessary personal data</td>
<td>• Always legal basis (consent or fulfillment of a contract)</td>
<td>• Processing of personal data must be transparent for data subject</td>
<td>• Sufficient technical and organisational security measures</td>
<td>• By Design: Both time of determination of purposes and during processing</td>
<td>• Processing with a potential high risk for privacy (especially new technologies)</td>
</tr>
<tr>
<td>• No processing for other purposes</td>
<td>• &quot;Need to have&quot; not &quot;Nice to have&quot;</td>
<td>• Not necessary to process personal data when delivering a washing machine</td>
<td>• E.g. Information and right to erasure</td>
<td>• E.g. Pseudonymisation or encryption</td>
<td>• By Default: Only necessary personal data for specific purpose</td>
<td>• High risk shall be mitigated or else consult the supervisory authority</td>
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</tbody>
</table>

Legal requirements to developers of IoT solution
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