

01 | THE CHALLENGE

The General Data Protection Regulation (GDPR), passed by the EU Parliament in April 2016 and effective May 2018, is the most significant development in data privacy and protection that Europe has seen over the past twenty years. Businesses subject to the GDPR face an unprecedented level of regulatory requirements, and potential fines, both for themselves and for their third-party contractors.

While the GDPR speaks to a challenging array of information security and data privacy requirements, the legal implications also are far reaching. To be GDPR “compliant,” a business must ensure that its contracts address a short series of specific requirements (e.g., data transfer restrictions and notice obligations in the event of data breach); however, to be “GDPR ready” a business must significantly expand its insights into its contracts.

02 | THE SOLUTION

GDPR Insight™ is Apogee’s comprehensive answer for GDPR agreement compliance. Built by Apogee on the Seal Software contract analysis platform, GDPR Insight combines the best of artificial intelligence for contracts with Apogee’s deep understanding of the business, compliance and regulatory needs associated with the GDPR. GDPR Insight delivers an unprecedented level of insight and automation into the GDPR compliance regulations.

03 | TOPICS ADDRESSED

GDPR Insight is built to correspond to both the direct requirements and the indirect implications of the GDPR. For example, the GDPR directly requires a Data Protection Impact Assessment (DPIA) for certain types of data processing. Although not necessarily required, by implication, a well drafted contract also will address the frequency of the DPIA, whether the DPIA must be conducted by an independent party, etc.

Some of the topics addressed in GDPR Insight include:

- Applicable Data Privacy Laws & Regulations
- Information Security and Related Certifications
- Compliance with Security Policies
- Cyber Incident Response Plans
- Data Privacy Definitions
- Data Protection Impact Assessments
- Data Security Policies / Technical Requirements
- Force Majeure (Data Events)
- Insurance (Data, Cyber and Confidentiality)
- Penetration Testing / Vulnerability Assessment
- Data Processing Agreements
- Data Processing Records Retention
- SLAs and Remediation
- Termination Rights (Data Events)
- Audits, Access & Inspections
- Business Continuity & Disaster Recovery
- Cooperation with Regulators
- Data Breaches and Responses
- Data Protection Officers / EU Representatives
- Data Transfers
- Indemnification (Data Events)
- Limitation of Liability (Data Events)
- Personnel Requirements
- Subcontracting of Data Processing

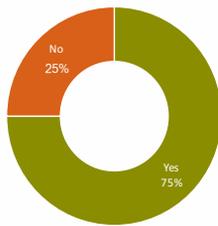
04 | GOING BEYOND THE SURFACE – GRANULAR REPORTING

GDPR Insight does much more than identify whether a topic is generally addressed. It is a detailed analytic set designed to dovetail with the specific regulatory requirements of the GDPR and the detailed implications of a holistic GDPR implementation plan.

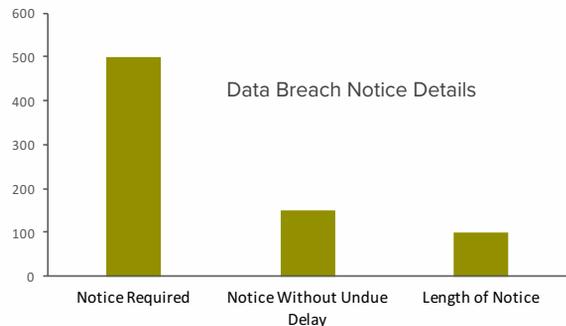
For example, GDPR Insight doesn't simply answer the question: "Are data breaches addressed?" GDPR Insight asks and answers detailed additional questions for a series of breach-related topics, including:

- Notice to customers
- Notice within a specific timeframe
- Notice to governmental authorities
- Incident response plans
- Expenses related to data breaches
- Control over communications
- Control of defense (indemnification)
- Remediation obligations

Is Data Breach Notice Addressed in the contract?



Sample Reporting



05 | COMPONENTS OF GDPR INSIGHT

- Comprehensive Analytics Set** – easy to install on the Seal platform, tested in most strenuous environments against tens of thousands of contracts
- Standardized Reporting Templates** – recommended reports for the most common queries and use cases
- User Guide** – know what to expect from each analytic
- User Views and Queries** – recommended “playbooks” (views, queries, etc.) for the most common use cases
- Regular Updates** – additional analytics to correspond to evolving business and regulatory requirements

GET TO KNOW APOGEE LEGAL

Apogee Legal is the first choice of many of the world's largest companies for the design and implementation of custom contract analytics. As a leading legal analytics firm, Apogee also develops and licenses pre-built AI analytic packs for a range of use cases, including sourcing transactions, software licensing, M&A, data security and privacy (GDPR), qualified financial contracts (QFC), complex commercial lending and finance, and strategic NDA negotiations.