



# Keeping in **touch** newsletter



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## In Focus

### Countdown to the new Personal Data Protection Regulation in Europe



Fines up to \$HKD190,000,000 or up to 4% of the total worldwide annual turnover and other sanctions. Should you care?

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The answer to this question is one you typically get from lawyers: it depends. But keep calm and ‘*mou man tai*’, for the statutory requirements are not rocket science.

As of May 25<sup>th</sup>, private or public Chinese companies, including of course the ones established in China or in any of its S.A.R.s, shall be subject to the new European Union (EU) data protection regulation (GDPR) and its penalties, if they process personal data:

- within the context of the activities of an **establishment located in the EU**, even if the processing of the data takes place in another country or region;
- belonging to data subjects within the EU, despite the **establishment being located outside the EU**, if the processing activities are related to:
  - offering of goods or services to such data subjects in the EU, irrespective of whether a payment of the data subject is required; or
  - monitoring of the behavior of data subjects if their behavior takes place within the EU.

It is important to stress that, for the purposes above, ‘establishment’ *must be understood as an economic unit, which engages in commercial/economic activities, regardless of the legal person involved.*

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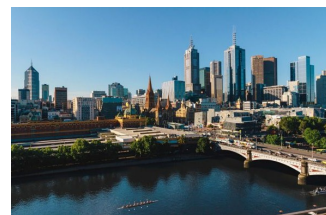
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