



General Data Protection Regulation Compliance

Preface

TeckChek, Inc.© (d/b/a, and hereinafter referred to as, IKM TeckChek) has taken steps to prepare for the upcoming General Data Protection Regulation (GDPR) which goes into effect on May 25, 2018. This document provides an overview of the changes IKM TeckChek has made to address the new GDPR compliance requirements.

What is GDPR?

The GDPR is a new set of European Union (EU) data privacy rules designed to standardize data protection laws and processing across the EU. It is intended to protect and empower all individuals and to reshape the way organizations approach data privacy. The GDPR puts more control into the hands of the individual and how their data is collected, stored, processed, and transferred to third parties.

Basic Tenets of GDPR

- Personal data collected needs to be processed in a fair, legal, and transparent way. It should not be used in any way beyond an individual's reasonable expectations.
- Personal data should only be collected to fulfill a specific purpose and not further used in a manner that is incompatible with those purposes. Organizations must specify why they need the personal data when they collect it.
- Personal data held should be kept up-to-date and accurate. It should be held no longer than necessary to fulfill its intended purpose.
- Individuals have the right to access their own personal data. They also can request a copy of their data, and/or request that their data be updated, deleted, restricted, or moved to another organization without hindrance.
- All personal data needs to be kept safe and secure, and companies undertaking certain types of activities are now required to appoint a Data Protection Officer (DPO).

Our Commitment

IKM TeckChek is committed to ensuring the security and protection of the personal information that we process, and to provide a compliant and consistent approach to data protection. We have always had a robust and effective data protection program in place which complies with existing law and abides by data protection principles. We also recognize our obligation to update and expand this program to meet the demands of the GDPR.

IKM TeckChek is dedicated to safeguarding the personal information under our remit and in developing a data protection policy that is effective, fit for purpose, and demonstrates an understanding of, and adherence to, this new regulation.

Organizational Changes

Roles and responsibilities have been clarified around data protection, and organizational reporting lines have been defined.

- IKM has created the position of a GDPR Data Protection Officer (DPO).
- Privacy and data handling training content is being enhanced as part of existing annual security awareness training.
- Review and alignment of security procedures has been conducted, including incident reporting and breach response.
- Awareness of privacy requirements has been embedded into the organization for new product developments.

Compliance Activities

IKM TeckChek currently has a consistent level of data protection and security across our organization; however, it is our aim to be fully compliant with the GDPR. Our current compliance activities are summarized here.

Policies and Procedures

We are committed to a comprehensive review of our current data protection policies and procedures to determine if they require updates or if new documentation is needed to meet the requirements and standards of the GDPR and any relevant data protection laws.

- **Data Protection**

Accountability and governance measures are in place to ensure that we understand and adequately disseminate and evidence our obligations and responsibilities; with a dedicated focus on privacy by design and the rights of individuals.

- **Data Retention & Erasure**

We have reviewed our retention policy and schedule to ensure that we meet the “data minimization” and “storage limitation” principles and that personal information is stored, archived, and destroyed compliantly and ethically. We have addressed erasure procedures to make certain that we meet the “Right to Erasure” obligation. Further, we are aware of when this right applies, as well as other data subject rights, along with any exemptions, response timeframes, and notification responsibilities.

- **Data Breaches**

Our breach procedures ensure that we have safeguards and measures in place to identify, assess, investigate, and report any personal data breach at the earliest possible time. Our procedures are robust and have been disseminated to all employees, making them aware of the reporting lines and steps to follow.

- **International Data Transfers**

Where IKM TeckChek stores or transfers personal information outside the EU, we have robust procedures and safeguarding measures in place to secure, encrypt and maintain the integrity of the data. Our procedures include a continual review of the countries with sufficient adequacy decisions, as well as provisions for binding corporate rules; standard data protection clauses or approved codes of conduct for those countries without. We carry out strict due diligence checks with all recipients of personal data to assess and verify that they have appropriate safeguards in place to protect the information, ensure enforceable data subject rights and have effective legal remedies for data subjects where applicable.

- **Legal Basis for Collecting Data**

We only collect personal data out of necessity for the performance of a contract to which the data party is subject.

- **Privacy Notice/Policy**

Our Privacy Notice(s) comply with the GDPR and ensure that all individuals whose personal information we process have been informed of why we need it, how it is used, what their rights are, to whom the information is disclosed, and what safeguarding measures are in place to protect their information.

- **Obtaining Consent**

Our consent mechanisms for obtaining personal data ensure that individuals understand what they are providing, why and how we use the data, and give clear, defined methods of consent for IKM TeckChek to process their information. We have developed stringent processes for recording consent and for making certain that we can evidence an affirmative opt-in (along with time and date records). We also support a readily visible and easily accessible method to withdraw consent at any time.

- **Data Protection Impact Assessments (DPIA)**

IKM TeckChek does not process personal information that is considered *high risk*, involves large scale processing, or includes special category/criminal conviction data.

- **Sub-Processor Agreements**

Where we use a third-party to process personal information on our behalf (for example, Payroll, Recruitment, etc.), we have secured compliant Processor Agreements and due diligence procedures for ensuring that they (as well as we) meet and understand their/our GDPR obligations. These measures include initial and on-going reviews of the service provided, the necessity of the processing activity, the technical and organizational measures in place, and compliance with the GDPR.

Data Subject Abilities

IKM TeckChek defines “data” as: Client Test Administrator credentials as provided by our Clients to access the IKM system, Test Taker credentials to complete scheduled assessments, and the result reports of scored assessments. Our Clients own their Test Taker test data.

- **Explicit Consent**

IKM TeckChek has always had privacy disclosures and consent messages for Test Takers which outline how their personal data will be used. We also require the Test Taker to provide explicit consent, agreeing to take a test.

- **Right to Access**

IKM TeckChek product offerings allow the Client to log in at any time to view the data being stored within their account.

- **Right to be Forgotten**

Client data in IKM TeckChek product offerings will be anonymized or deleted upon receipt of a Client or Test Taker request to do so (except when we are required by law to retain data for compliance purposes).

- **Data Portability**

IKM TeckChek allows Clients to export their Test Taker profiles, if desired, for portability to another provider / service.

- **Data Protection**

IKM TeckChek has always, and will continue to, followed industry best practices for the safeguarding and protection of personal data and system data. These include technical security controls, physical and environmental controls, policy, and organizational controls, as well as ongoing auditing, vulnerability management, and ongoing risk assessments to help identify new threats.

Data Subject Rights

In addition to the items in the previous section, IKM TeckChek provides easy-to-access information via our website’s privacy policy about an individual’s right to access any personal information that IKM TeckChek processes and to request information about themselves. We provide full disclosure to the items in the list below.

- What personal data we hold about an individual.
- What we do with the data.
- The categories of personal data.
- The recipients to whom the personal data has been/will be disclosed.
- How long we intend to store an individual’s personal data.
- If we did not collect the data directly from the individual, then information about the source is shared.
- The right to have incomplete or inaccurate data about them corrected or completed, and the request process for this.
- The right to request erasure of personal data (where applicable) or to restrict processing in accordance with data protection laws, as well as to object to any direct marketing from us and to be informed about any automated decision-making that we use.
- The right to lodge a complaint or seek judicial remedy and who to contact in such instances.



International Transfers of EU Personal Data

Data for all IKM TeckChek products is stored and processed within the EU and the United States following defined controls and standards established by the EU-U.S. Privacy Shield Framework. IKM TeckChek has applied for certification under the joint EU-U.S. Privacy Shield Framework governing personal data between the EU and U.S. and is awaiting approval.

GDPR Data Protection Officer

IKM TeckChek has designated Ilene Rothman as our Data Protection Officer (DPO). Ms. Rothman is responsible for promoting awareness of the GDPR across the organization, assessing our GDPR readiness, identifying any gap areas, and implementing new policies, procedures, and measures (as required).

IKM TeckChek understands that continuous employee awareness and understanding is vital to the continued compliance of the GDPR. We plan to conduct an employee training session specific to the GDPR impact, which will be provided to all employees.

If you have any questions about our preparation for the GDPR, please contact Ilene Rothman (irothman@ikmnet.com).

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