

GDPR Compliance

Descartes and the EU's General Data Protection Regulation (GDPR).

The European Union's (EU) General Data Protection Regulation, commonly referred to as simply the "GDPR", represents the EU's updated approach to data privacy and protection. It expands the privacy rights of EU residents and places obligations upon any organization that handles the personal information of EU residents. The GDPR will take effect on May 25, 2018.

Although Descartes, like most companies operating in the EU, will need to consider the requirements of the GDPR in relation to a variety of information, including the information of its employees, suppliers and trading partners, this statement specifically relates to the approach of Descartes to the GDPR in the context of Descartes relationship with its customers.

Descartes is committed to addressing the obligations of the GDPR in the delivery of our products and services to our customers. We have carefully assessed the new requirements in the GDPR and are working to make sure our products, services, and contractual agreements are consistent with, and reflective of, the various requirements necessary to help support our customers in complying with the GDPR.

What is Descartes doing to comply with the GDPR.

Descartes is committed to being GDPR compliant by May 25, 2018. At Descartes we have undertaken a comprehensive review to identify those solutions offered by Descartes where personal information subject to the GDPR is likely to be processed by Descartes as part of the delivery of that solution to our customers. Once identified we assess how that data is being processed to ensure it is being done in a manner that complies with GDPR requirements. This includes evaluating whether the solution itself and the agreements we have with you for its use provide the necessary features, controls, or restrictions as may be required by the GDPR.

Where enhancements are required for how you utilize our products or services, we will implement those enhancements in a seamless fashion in advance of the GDPR becoming law. Where the language of our agreements needs to be modified to accommodate the GDPR's specific contractual requirements, we will notify you of those changes and work with you in implementing them.

What should I be doing to comply with the GDPR?

Complying with the GDPR will be a team effort, one where you, as our customer, play a significant role. As our customer your data is always yours. You have the ultimate say in what happens to the data you input into our products and systems. Under the GDPR, to the extent that personal information you have collected or received from your suppliers, customers, or trading partners is being processed within one of Descartes network based solutions, we will be acting as your data processor, processing the data only in the way required under our contract with you, and only to the extent that data has been directed to our solutions. As such, it is important that you understand your obligations under the GDPR as the data controller of that personal information and become comfortable with how you are addressing those requirements.

We recommend that all our customers become familiar with the GDPR and assess what personal information they are collecting, receiving, storing or otherwise directing be transmitted to a data processor such as Descartes, what it is being used for, and how long they need that information.

Frequently Asked Questions

What is the GDPR?

The GDPR is a comprehensive data protection law that is meant to replace the various individual data protection laws of the European Union member states. It is designed to address the changing global economy, where information travels seamlessly around the world and has effects that can extend well beyond any country's physical borders. It will come into effect on May 25, 2018 and will impose significant financial penalties on organizations who fail to properly protect the personal information of EU residents.

What is "personal information"?

Personal information is any information that is about an identifiable person. Examples of this could include a person's name, address, or personal preferences and beliefs. Information about large groups or anonymized information is not personal, even if it is about very personal subjects. Examples of this could include the number of customers a particular store has, or the demographics of a geographical area.

My business is not in Europe, why do I need to know about the GDPR?

While the GDPR is legislation made by the European Union, it provides protection to EU residents no matter where in the world they are, or where in the world their information is being stored. Furthermore, in our global economy, governments are increasingly looking at what other countries are doing and trying to harmonize their laws to make doing business globally easier. The EU's GDPR is at the forefront of a modernization on data privacy laws, one that is seeing many other nations modelling their own privacy legislation after the GDPR.

What is the difference between a data processor and a data controller?

The difference between those two terms lies in who ultimately decides what happens to the information. The data controller decides what is done with their information. The data processor only handles that information in the manner that the data controller requires of them. As a user of products or services from Descartes, that control lies with you. You ultimately determine what data to give us, what data not to give us, and what you want done with that data – as set out in your applicable service agreement with Descartes. As your data processor, we are committed to helping you have the necessary tools you