

General Data Protection Regulation (GDPR)

Meeting EU Regulations on Protecting Privacy

Yardi is committed to protecting the privacy of individuals and achieving and maintaining the trust of its clients. We know that many of our clients have questions about the European Union's (EU) General Data Protection Regulation (GDPR) and new obligations under the GDPR. Yardi as a company, as well as services and activities related to the Yardi Cloud, comply with the GDPR, which came into effect on May 25, 2018. To support your GDPR compliance efforts, we outline a few notable provisions of the GDPR below.

What Is the GDPR?

The GDPR is a new, comprehensive data protection law that updates existing EU laws. It presents a set of rules to strengthen the protection of "personal data" (any information relating to an identified or identifiable natural person, called a "data subject") in our digital society.

The GDPR states that data privacy is an important human right, and in this data-driven world, companies need to pay attention to data protection and data privacy. With substantial potential fines and penalties, the GDPR is legislation that no one can afford to ignore. Over the past two years, Yardi has been dedicated to its GDPR readiness efforts, assessing internal business units and client-facing software services. We believe that Yardi Voyager 7S and ERP systems generally are "GDPR-friendly" services, as the data is not in the public domain.

Does the GDPR Affect my Organization?

If you process personal data originating from individuals in the EU or in the context of an organization established in the EU, the GDPR applies to you. "Processing" means any operation performed on personal data, such as collection, storage, transfer, dissemination, or erasure.

Under EU data protection law, organizations processing personal data are divided into "Controllers" (entities that control the personal data) and "Processors" (entities that process personal data on the instructions of the Controllers). The GDPR applies to both Controllers and Processors. If your organization processes personal data for its own purposes and needs—not merely as a service provider acting on behalf of another organization—you are a Controller under the GDPR. Yardi, like all organizations, is a Controller of its employees' personal data that is processed as part of its human resources operations. With respect to your data, Yardi is a Processor and only processes data as contracted; you are the Controller.

The GDPR requires that Controllers ensure their service providers support compliance with the GDPR. Yardi strongly supports the GDPR and everyone's right to protection of personal data. Please ask your Yardi sales representative for a copy of Yardi's GDPR data processing addendum. Once executed, you can demonstrate that your contractual relationship with Yardi meets GDPR requirements.

How Does the GDPR Change Existing EU Data Protection Laws?

The GDPR changes existing EU data protection laws in several important ways. Yardi's GDPR data processing addendum addresses the following and more:

- **Expanded Definition of “Personal Data.”** Location data and online identifiers, such as IP addresses, are considered personal data.
- **Expanded and New Rights for EU Individuals.** The GDPR imparts the following rights:
 - **Right of access:** to obtain from a Controller a copy of their personal data being processed, as well as information about that processing (Article 15)
 - **Right of rectification:** to ask a Controller to rectify inaccurate personal data (Article 16)
 - **Right of deletion:** to require that the Controller erase their personal data in certain conditions (Article 17)
 - **Right of restriction:** to request that a Controller restrict processing of their personal data in several circumstances, similar to the right to be forgotten (Article 18)
 - **Right of data portability:** in certain circumstances, to receive the personal data that they have provided to a Controller in a structured, commonly used, and machine-readable format (Article 20)
 - **Right to object** to the Data Controller to the processing of their personal data, e.g., direct email marketing (Article 21)
- **Security Measures.** Controllers and Processors must implement appropriate technical and organizational measures to ensure a level of security appropriate to the risks presented (Article 30). Data Controllers must show that their Processors maintain adequate data security measures. Under our GDPR data processing addendum, we can provide documents evidencing our data security measures, including our SSAE18 audit report, PCI attestation of compliance report, and SIG (Standardized Information Gathering) questionnaire.
- **Breach Notification.** Certain personal data breaches, require notification of the relevant data protection authority and, in some circumstances, of the affected data subjects. After becoming aware of the breach, Processors must notify Controllers “without undue delay,” and Controllers must notify the relevant authority within 72 hours.
- **Data Protection Impact Assessments.** Where certain processing is likely to be classified as “high-risk” to data subjects, the Controller may be required to carry out a data protection impact assessment.
- **Transparency and Lawfulness.** Controllers must provide data subjects with certain information when the personal data is collected. This is why having a clear privacy notice (sometimes called a privacy policy) is important. Two commonly cited standards for lawful processing are the consent of the data subject and the legitimate interests of the business that is processing the personal data.
- **International Data Transfers.** Transfer of personal data outside of the EU is restricted unless appropriate safeguards are in place. The GDPR continues to recognize current mechanisms (e.g., standard EU contractual clauses) for legally transferring personal data outside the EU.

Yardi welcomes the GDPR as an opportunity to deepen its commitment to data protection. Yardi Cloud Services and activities comply with the GDPR. We know our clients are responsible for meeting many of the requirements in the new EU law, and we are always looking for ways to support and assist our clients. Client feedback has always driven our product enhancements; as our clients establish the methodology to implement best practice for compliance, we will work to optimize functionality to provide streamlined consent management and compliance reporting packages.

Yardi clients should conduct their own investigation and planning for GDPR compliance. However, we are dedicated to helping our clients comply with the GDPR. This white paper is not intended to provide legal advice. You should consult your attorneys regarding GDPR compliance.

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