

BAKER DONELSON

Questions to Ask to Determine if GDPR Applies to Your Company

Does your organization have a legal entity, office location, or employee established in the European Union?

Yes

No

Does your organization offer goods or services to E.U. residents (whether or not they are located in the E.U. or abroad) or a combination of the following (balancing test factors)?

- An online presence that refers to E.U. users or customers of a business service
- Marketing explicitly directed at E.U. users or customers in an official language of their country
- Euro or other E.U. currency as a form of payment
- A web domain suffix of an E.U. country (as a primary site or redirect)
- Any other activities that may be interpreted to create a business relationship with the E.U.

Yes

No

Does your organization monitor the behavior of individuals while they are residing in the E.U. (including Internet or website tracking technologies, such as cookies and analytics) or otherwise profile their activities?

Yes

No

The GDPR is not likely to apply to your organization.

The GDPR likely applies to your organization.

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