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Press freedoms cause DP Bill 'ping-pong' between the Houses

Last minute amendments include strengthening of the ICO's powers. Press issue goes back to the Lords on 21 May. By **Laura Linkomies**.

The House of Commons passed the Data Protection Bill with amendments on 10 May. The government exemption for immigration data remains in the Bill despite concerns not only from MPs but also civil society groups. Yvette Cooper (Labour) said: "After Brexit, we need a co-operation agreement – a

data adequacy agreement – with the EU, so that our police and law enforcement agencies can continue to legally share the data they need to solve crimes, stop criminals and prevent terror attacks. However, this whopping great exemption to the

Continued on p.3

Guernsey adopts new DP law in line with the GDPR

EU Commission indicates that the adequacy status remains valid. By **Emma Martins**, Data Protection Commissioner of Guernsey.

The Bailiwick of Guernsey is not part of the United Kingdom but is a Crown dependency that has its defence and most foreign relations handled by the British Government. The jurisdiction lies within the Common Travel Area of the British Isles and whilst not a member of the European Union,

Guernsey has always had a special relationship with it and is treated as part of the European Community with access to the single market for the purposes of free trade in goods.

The current Data Protection (Bailiwick of Guernsey) Law, which

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“ ” **comment**

UK modernises law according to GDPR but is it enough?

The past couple of weeks have seen much Parliamentary action across EU Member States to meet the GDPR deadline of 25 May. In this issue, Guernsey Data Protection Commissioner, Emma Martins, reports on the adoption of its new law which follows the GDPR closely but with some modifications (p.1).

As we complete this edition, the UK Data Protection Bill is almost ready for Royal Assent. The Bill is a difficult read even for those who are familiar with the GDPR. In some areas the Bill specifies provisions that are not included in the GDPR such as stronger inspection powers for the ICO. In others, it somewhat steers away from GDPR rights – for example by introducing an exemption for Subject Access Requests (SARs) on immigration data, or restricting access to confidential employment references.

If the UK seeks an EU adequacy decision, a word-for-word interpretation of the GDPR would have been useful. Now the UK Bill will be quite a complex piece of legislation to analyse, and the powers of the intelligence services raise further questions. It is therefore not surprising that the Information Commissioner, Elizabeth Denham, recommends an agreement or treaty with the EU instead of an adequacy decision (p.3).

The Bill was slightly delayed due to an intense debate on press freedoms and whether a Leveson 2 inquiry would be required. Finally, after ping-pong, the government won the vote in the House of Commons. The question is whether the press-related issues should have been introduced in another Bill. Now they have taken much valuable Parliamentary time and only some of the aspects are data protection related. The likely result of this arm wrestle is that the ICO will carry out a review of the use of personal data by journalists every five years.

The GDPR preparations will not come to an end on 25 May, as experienced DPOs told the audience at the ICO's DPO conference (p.10). Most organisations still need to do work in raising awareness amongst their staff. At the other end of the spectrum, the GDPR concept of the Right to be Forgotten has now been interpreted in the High Court of Justice, Queen's Bench Division, as knowledgeable individuals pursue their rights (p.8).

Laura Linkomies, Editor

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