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## UNITED KINGDOM REPORT

# PRIVACY LAWS & BUSINESS

DATA PROTECTION & PRIVACY INFORMATION WORLDWIDE

## Beware of over caution when implementing Privacy by Design

While getting consent is important when designing in data protection, does it really protect privacy? **Tom Cooper** reports from PL&B's 30th Annual International Conference in July.

The role of consent, the pitfalls of an over-cautious approach, the impact of the Right to be Forgotten and issues with international transfers were discussed in the context of implementing Privacy by Design during a session at the *Privacy Laws & Business* 30th Anniversary

International Conference on 5 July. The example of a fictitious smartphone application designed to work with a real medical device was used to interrogate the problem.

Nigel Parker, Partner at Allen &

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## Machine learning: The future is in our hands – or is it?

How does the GDPR relate to machine learning and artificial intelligence, asks **Robert Waixel**.

*Privacy Laws & Business's* 30th Anniversary International Conference in Cambridge opened with talks by Peter Fleischer, Global Privacy Counsel for Google, and Wojciech Wiewiórowski, Assistant Supervisor from the European Data Protection Supervisor (EDPS). Between them they covered the sub-

jects of machine learning, Artificial Intelligence (AI), and whether with these technologies it was possible to “understand the logic behind processing” for GDPR purposes. The session was chaired by Professor Christopher Millard of Queen

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UNITED KINGDOM  
**report**

ISSUE NO 92

JULY 2017

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**Subscriptions:** The *Privacy Laws & Business* United Kingdom Report is produced six times a year and is available on an annual subscription basis only. Subscription details are at the back of this report.

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Design by ProCreative +44 (0)845 3003753  
Printed by Rapidity Communications Ltd +44 (0)20 7689 8686

ISSN 2047-1479

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## When the going gets tough...

Despite the uncertainty of the UK future legislative framework, we now know that the GDPR will set the standard, and organisations need to prepare now. Much still needs to be done, as is evident from our GDPR survey (p.7). One of the problematic areas is contracts with third parties and the question of liability. In this issue, we bring you a pragmatic overview of the measures you need to take to review existing contracts in view of the GDPR (p.20).

The ICO is keeping up its enforcement activity – we have seen several fines issued on companies that email customers despite their previous opt-outs (p.11 and p.17). In June, PricewaterhouseCoopers released its research showing that the total amount of data protection fines issued by the ICO doubled in 2016 compared to the previous year. Also, the number of enforcement notices increased by 155%. The ICO will, of course, have much stronger fining powers when the GDPR takes effect in May 2018, so it is best to invest now in GDPR compliance.

We heard many stories of best practice at our summer conference, for example, that of insurance company, Aviva, which has changed its perspective to be more consumer-focused (p.18). This is also the message from Finland-based Rovio, the company behind the Angry Birds games (p.14).

The next hurdle for organisations will be the EU's new e-privacy Regulation, which is being debated at European level. The scope is wide, as it covers not just telecoms providers but more or less any business that engages in electronic direct marketing or uses online tracking technologies. It looks as if the EU institutions will struggle to have the new rules in place to coincide with the GDPR's timetable, however (p.10).

In the meantime, many EU Member States are making progress with their implementation laws, Germany being the first to cross the line. The UK government has gone quiet since it issued its call for views in the spring. A draft law ought to be presented to Parliament in the autumn to give organisations at least a few months to adapt to the GDPR's UK-specific rules before May 2018.

Laura Linkomies, Editor

PRIVACY LAWS & BUSINESS

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