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**UNITED KINGDOM REPORT**

# PRIVACY LAWS & BUSINESS

DATA PROTECTION & PRIVACY INFORMATION WORLDWIDE

## The future of data protection law and enforcement in light of Brexit

In the summer, the government expressed its thoughts about the UK's future DP law. **Nicola Fulford** and **Gemma Lockyer** of Kemp Little LLP look at the derogations from the GDPR.

**O**n 23 June 2016, the United Kingdom voted to leave the European Union and whilst that leaves us in a period of uncertainty in many respects, we have received some guidance as to where the UK's data protection law and strategy is going. On 7 August 2017

the Department for Digital, Culture, Media and Sport published their statement of intent for the planned reforms that will form the new Data Protection Bill (Statement of Intent). The Data Protection Bill will bring

*Continued on p.3*

## Woodland Trust turns over a new leaf in collecting consent

The charity reviewed the design and presentation of opt-in to ensure increased and better quality consent. By **Laura Linkomies**.

**W**oodland Trust, a charity with over 500,000 members and supporters and more than 1,000 sites (woods) all over the UK, had previously presented consent statements as an "obligatory" tick box – just like many others. In May last year, the organisation decided to re-think its strategy. It was

felt that a new, tailored consent wording, written from an appealing marketing perspective rather than solely a legal requirement, would serve members and supporters better.

Melanie Sallis, Head of Supporter Marketing at Woodland Trust

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## Data Protection Bill introduced in House of Lords

The government issued its statement of intent in the summer and we now have an indication of how it intends to use the derogations allowed for in the GDPR (p.1). As we go to print, we now have a DP Bill (p.6) but one of the sticking points with regard to data transfers abroad will be the Investigatory Powers Act. Will the UK be seen as adequate? Remember that Jersey, Guernsey and the Isle of Man have based their legislation on the current UK DP Act and all of them have obtained an adequacy decision. A further point is that the government's paper (p.7) states "The UK's data protection standards will remain fully aligned with the revised Convention 108." However, the UK has not ratified the Additional Protocol, dated 2001.

Whilst organisations are waiting for more guidance in several areas, data security is something that can be addressed now. The GDPR helpfully provides guidance on how organisations can address security issues "appropriate to the risk". These measures include pseudonymisation and encryption. But, as Paul Maskell of Bluelightsdigital told the Data Protection Forum last week, it is important to present GDPR as an opportunity and frame it positively. Read on pp. 19-20 about a company where privacy compliance is expanding from being a legal issue to a governance one.

A DPO appointment may not be mandatory but those who need to appoint one will have several aspects to consider (pp. 8-10). Sometimes, a risk assessment is needed to establish whether a DPO is needed. Another GDPR issue that is still problematic is seeking consent and documenting it properly. Read on p. 1 how Woodland Trust revamped its processes around consent to make sure individuals are aware what they are consenting to. Further on this topic, read on p.15 tips on using data within the law when conducting marketing campaigns.

We are also pleased to bring you insights into the win-win benefits of embracing an FOI culture in Buckinghamshire (pp.21-23). If you would like to be interviewed about how your company is preparing for the GDPR or complies with the current law, please contact me at [laura@privacylaws.com](mailto:laura@privacylaws.com)

Last but not least, read about the pros and cons of personal data stores – individuals "taking back control" (pp. 11-12).

**Laura Linkomies, Editor**

PRIVACY LAWS & BUSINESS

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