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**UNITED KINGDOM REPORT**

# PRIVACY LAWS & BUSINESS

DATA PROTECTION & PRIVACY INFORMATION WORLDWIDE

## Inside the ICO's new enforcement toolkit: Breaking down the draft guidance

Organisations should pay attention to the ICO's new settlement procedure and expanded information gathering powers. By **Alison Llewellyn** and **Katie Hewson** of Stephenson Harwood.

The UK Information Commissioner's Office (ICO) has recently closed its consultation on new draft Data Protection Enforcement Procedural Guidance

(the Guidance), which sets out in detail how the ICO intends to use its investigatory and enforcement

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## When an incident is just the tip of the cyber iceberg

**Richard Jeens** and **William Doyle** of Slaughter and May reflect on lessons learned from ICO enforcement in 2025 and key developments for 2026.

Last year, 2025, revealed a shift in enforcement approach by the Information Commissioner's Office (ICO) when compared to the previous year. We saw a decrease in overall enforcement action, but a much higher proportion

of those actions taken against organisations in the private sector and a significant focus on cyber and data security failings. This comes amid high-profile cyber-attacks against

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### **PL&B Conference**

#### **Ireland and EU privacy/digital laws: New horizons**

14 May 2026, McCann FitzGerald, Dublin

#### **In-person and online**

Keynote speakers : **Michael McGrath**, European Commissioner for Democracy, Justice, the Rule of Law and Consumer Protection; and **Dr Des Hogan**, Commissioner for Data Protection, Data Protection Commission, Ireland

Complimentary for Report subscribers in early booking period.

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**PUBLISHER**

**Stewart H Dresner**  
stewart.dresner@privacylaws.com

**EDITOR**

**Laura Linkomies**  
laura.linkomies@privacylaws.com

**DEPUTY EDITOR**

**Tom Cooper**  
tom.cooper@privacylaws.com

**REPORT SUBSCRIPTIONS**

**K'an Thomas**  
kan@privacylaws.com

**CONTRIBUTORS**

**Alison Llewellyn and Katie Hewson**  
Stephenson Harwood

**Richard Jeens and William Doyle**  
Slaughter and May

**Mark Read**  
TransUnion

**Gary Brooks**  
Data Protected

**Annabel Gillham and Michelle Luo**  
Morrison Foerster

**PUBLISHED BY**

Privacy Laws & Business, 2nd Floor,  
Monument House, 215 Marsh Road, Pinner,  
Middlesex HA5 5NE, United Kingdom

**Tel: +44 (0)20 8868 9200**

**Email: info@privacylaws.com**

**Website: www.privacylaws.com**

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## *PL&B's* 40th anniversary year coincides with new DP regime

As *PL&B* celebrates its 40th year in business, we are pleased to announce our 39th Annual International Conference, including confirmed speakers from the ICO and Data Protection Authorities from Ireland, Kenya, Singapore and the European Data Protection Board (p.17).

Part of the conference programme in Cambridge will discuss the changes that the Data (Use and Access) Act brings to organisations. Now that most of the remaining data protection provisions of the Act have come into force, the onus is on ensuring compliance and making the most of the simplifications (p.11). This also applies to SARs – our comprehensive guidance on how to manage SARs is important reading for everyone (p.18).

One remaining part of DUAA still to enter into force is the requirement for organisations to have a complaints procedure. While this will commence on 19 June 2026, the ICO has already issued guidance (p.10). This includes advice for organisations on how to manage their complaint processes but also confirms the ICO's stance: it will prioritise cases that cause significant harm, affect large numbers of people, raise issues of wider public interest, or relate to vulnerable individuals.

A data breach can have a significant psychological effect on an individual (p.8). As our correspondent says, a breach triggers a cascade of emotions, fear, anger, and helplessness, which can persist long after the technical incident is resolved.

In its enforcement, the ICO is now placing a significant focus on cyber and data security failings. Our correspondents offer tips in this edition on how to handle an ICO investigation and look into 2026 trends on p.1.

This spring, look out for further announcements on the Privacy and Electronic Communications Regulations (PECR) as the ICO is committed to reviewing PECR consent requirements for advertising (p.22).

**Laura Linkomies, Editor**  
PRIVACY LAWS & BUSINESS

### Contribute to *PL&B* reports

Do you wish to contribute to *PL&B UK Report*? Please contact Laura Linkomies, Editor (tel: +44 (0)20 8868 9200 or email: laura@privacylaws.com) to discuss your idea, or offer to be interviewed about your organisation's data protection/Freedom of Information work.

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Emma Erskine-Fox, Partner, TLT LLP

## International Report

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