

The Future of Data Protection in the UK 2021



**The General Data Protection Regulation (EU GDPR)
The Data Protection Act 2018, PECR and the
Privacy, Data Protection & Electronic
Communications Regulation 2020, the UK GDPR
and other International Data Protection Legislation**

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Who are Hope and May?

We are GDPR Data Protection Practitioners

We oversee processing activities

We provide advice and guidance

We represent charities as the DPO

We manage data breaches and report them

We form part of a charity's accountability framework

Our work is endorsed by sector organisations including;

Corporate Partner



the association of
charitable organisations



**What is the future for Data
Protection
Legislation in the UK?**

What will my charity need to do?

**Will the level of enforcement
action change?**

What are the greatest risk?



Brexit and the *UK-GDPR*

What you need to know...

The EU GDPR is replaced with the Data Protection, Privacy and Electronic Communications Regulation – UK GDPR;

Privacy and Electronic Communications Regulation

The Data Protection Act 2018

International processing (Including storing data);



Government Consultation on the future of data protection – There are 74 proposed changes.

Almost certainly diverges from EU Law

Adequacy

Data subject rights

Risk assessments

Record keeping

Responsible Individuals

The new UK Information Commissioner

The new Commissioner is John Edwards who will likely take over in November 2021. He is currently the Commissioner for New Zealand. The role is to be expanded to include leading the reform of the UK's future data regime, including countries the UK will prioritise striking data adequacy partnerships with.



What the law may expect you to put in place and why

- A policy that explains how to comply with the law;
- Privacy information (made available to data subjects);
- A Record of Processing Activities (RoPAs) (Requirements may change);
- Appropriate Policy Documents (When using exemptions);
- Data Protection Impact Assessments (DPIAs) (Requirements may change);
- Data sharing/processor agreements;
- Transfer safeguards (Requirements will change, consider the consultation);
- Access & Obligation/confidentiality agreements.



Accountability



Appointing Responsible Individuals

Consider in which areas these may be required

Service delivery

Fundraising

Volunteering

Data Breach Reporting

All data breaches may need to be reported
in the future

Establishing lines of reporting

What is a data breach?

Who will make the report?

Privacy Management Programme

*‘Consider a Holistic and proportionate
approach’*

Includes appropriate documentation

Details of the Responsible Individuals

Available to the ICO upon demand

Covid-19 Data Protection

Collection of status data
remains unclear

Law changes in Care Settings

Elsewhere case by case basis

Policy requirements

Negative test is health data



Enforcement action

‘The very nature of Mermaids’ work should have compelled the charity to impose stringent safeguards to protect the often vulnerable people it works with.’

Steve Eckersley, ICO Director of Investigations





**Proposed changes are designed to
make compliance more
straightforward**

**Much of your current policy framework may
remain unchanged**

Reforms around Accountability are mostly good

**Internal structure of responsibility will improve
compliance**

Thank you!

Corporate Partner



the association of
charitable organisations

dsc
directory of social change
helping you to help others



acevo
imagine, inspire, improve



Useful links...

EDPB guidance on controllers and processors;

https://edpb.europa.eu/our-work-tools/public-consultations-art-704/2020/guidelines-072020-concepts-controller-and-processor_en

ICO - Lawful grounds for processing data;

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/special-category-data/what-are-the-conditions-for-processing/>