

Privacy & Data Protection

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Headlines

- CJEU deals serious blow to legality of UK ‘Snooper’s Charter’, p.18
- EU starts adequacy talks with Japan and Korea, p.19
- US and Switzerland sign Privacy Shield agreement, p.20

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Denham: accountability is key to GDPR compliance

UK Information Commissioner, Elizabeth Denham, has identified accountability as being central to getting compliance “right today, getting it right in May 2018, and getting it right beyond that.”

Mrs Denham discussed how when it comes to data protection, smaller sized businesses tended to be “less well prepared. They have less to invest in getting it right. They don’t have compliance teams or data protection officers. But small organisations often process a lot of personal data, and the reputation and liability

risks are just as real.”

The ICO published an overview on how to prepare for the GDPR in late 2016. The Commissioner revealed that there will be more guidance in early 2017 on contracts and liability, consent and children’s data. The ICO will update its overview document, treating it as ‘a living document’, expanding the text as necessary to cover particular points as they develop.

“The overview currently follows the structure of the GDPR; we will add further sections to cover cross cutting issues as

necessary e.g. data sharing or profiling,” the Commissioner said.

“Where we decide it is appropriate to go ahead and develop ICO guidance on issues not currently being considered by the WP29, we will incorporate it into the Overview.”

It is understood that the ICO will keep a close eye on the Article 29 Working Party, and that where that body looks at a topic the ICO has already worked on, they will be in a position to provide input

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Trump Order prompts panic that Privacy Shield will be invalidated

An Executive Order signed by US President Trump during his first few days in office may jeopardize the recently agreed EU/US Privacy Shield.

The Enhancing Public Safety in the Interior of the United States Order — aimed at enhancing domestic enforcement of US immigration laws — reads that: “agencies shall, to the extent consistent with applicable law, ensure that their privacy

policies exclude persons who are not United States citizens or lawful permanent residents from the protections of the Privacy Act regarding personally identifiable information.”

MEP Jan Philipp Albrecht, the European Parliament’s Rapporteur on data protection regulation, suggested that this wording in the Order could be a major problem for the Shield, and

that there might also be ramifications for the EU-US Umbrella agreement governing law enforcement. Other EU officials have played down the impact of the Order.

EU Justice Commissioner Věra Jourová recently said that she wants to meet with the Trump administration as soon as possible to discuss the

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