

Privacy & Data Protection

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Headlines

- European Union and Japan agree on adequacy, p.17
- Singapore pilots data protection scheme as country suffers large-scale hack, p.18
- Spanish government approves new decree-law on data protection, p.19

Contents

<i>Expert comment</i>	2
<i>GDPR certifications — what you need to know</i>	4
<i>California’s Consumer Privacy Act and the GDPR — where do they overlap?</i>	7
<i>ICO’s Regulatory Action Strategy — what you need to know</i>	10
<i>A practical guide to conducting Data Protection Impact Assessments</i>	12
<i>News & Views</i>	16

Eight months until Brexit and still no adequacy deal

UK-based organisations are being advised to ensure that they have legal mechanisms in place allowing the continuation of data flows that support international trade and business operations, as uncertainty continues over whether the UK and the EU will reach a deal prior to Brexit.

Unless there is agreement before 29th March 2019, organisations will need to deal with potentially restricted data flows. Data flows from the UK to the EU currently constitute as much as three-quarters of all data from

the UK. The government’s attempts at negotiating a deal have stalled. The UK has taken the view that its historic relationship with the bloc places it in a different position than other third countries vis-à-vis the EU, and therefore a deal should go beyond the standard unilateral EU adequacy decisions.

The government recently published a position paper outlining its proposal for a legally binding agreement to allow for EU-UK data flows that cannot be changed unilaterally by the EU. It said that such an agreement would

provide greater legal certainty, stability and transparency, as well as reduced costs and more efficient processes, for both UK and EU businesses.

However, the EU has demonstrated reluctance to give the UK special treatment. Even a standard adequacy decision may be difficult to obtain by the time the UK exits the EU. The issues expected to arise during the negotiations are similar to those seen during the negotiation of the EU-

[\(Continued on page 16\)](#)

UK regulator issues interim report into political campaigns’ use of data analytics

Issuing its interim report on its investigation into the use of data analytics in political campaigns, the Information Commissioner’s Office has said that it intends to fine Facebook £500,000 for two breaches of the Data Protection Act 1998.

The investigation concluded that Facebook contravened the law by failing to safeguard people’s information. It also found that the company failed to be

transparent about how people’s data were harvested by others and why they might be targeted by a political party or campaign.

The ICO has urged the government to legislate at the earliest opportunity to introduce a statutory Code of Practice under the Data Protection Act 2018 for the use of personal information in political campaigns. The ICO will work closely with

government to determine the scope of the Code.

The ICO’s ongoing investigation involves 11 political parties which have received a warning letter along with notices compelling them to agree to audits of their data protection practices. The regulator will also conduct audits of the main credit reference companies and Cambridge University

[\(Continued on page 16\)](#)