

# Privacy & Data Protection

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## Headlines

- Japan attains adequacy, p.18
- Campaigners given go ahead to challenge immigration exemption in UK p.19
- EU advisor’s advice limits scope of ‘right to be forgotten’, p.20

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## Government’s Brexit legislation focuses minds on preparations

The government has published its Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019, designed to ensure that the UK data protection legal framework continues to function correctly after Brexit.

The instrument enacts the intentions for ensuring the continuation of data protection law in the event of a no-deal Brexit set out by the government in December 2018 (for full coverage, see the front page of Volume 19, Issue 2 of *Privacy & Data Protection*).

For example, it establishes transitional provisions in the Data Protection Act 2018 in relation to adequacy decisions, standard contractual clauses and Binding Corporate Rules, and removes references to EU Member States, Union law and the European Commission.

Cynthia O’Donoghue and John O’Brien, lawyers at Reed Smith, commented that “the amendments introduced by the regulations are largely functional. They will not result in substantial changes to the current UK data protection regime.

“However, the fact that they have been promulgated by the UK government should focus minds on the fact that Brexit is fast approaching.”

The regulations must be approved by a resolution of each house of the UK Parliament before they can come into force.

In mid January, Prime Minister Theresa May updated the House of Commons on her latest views regarding Brexit. She said that the March 29th leaving date should not be extended, and reit-

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## Google becomes first tech to receive GDP fine (and it’s large)

France’s Supervisory Authority, the CNIL, has fined Google 50 million euro for lack of transparency, inadequate information and lack of valid consent regarding the personalisation of adverts. The CNIL found that the consents collected by Google for advertising were neither ‘specific’ nor ‘unambiguous’.

The regulator additionally found that the GDPR’s ‘One Stop Shop’ was not

applicable as, at the time of the infringement, Google did not have one main establishment in the EU. The fine is unlikely to be the last, as the CNIL warned that as the infringement is continuing, further sanctions are on the agenda.

Google has said that it would appeal the fine. “We’ve worked hard to create a GDPR consent process for personalised ads that is as transparent

and straightforward as possible, based on regulatory guidance and user experience testing. We’re also concerned about the impact of this ruling on publishers, original content creators and tech companies in Europe and beyond. For all these reasons, we’ve now decided to appeal,” the company said in a statement.

This was the first GDPR

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