

Privacy & Data Protection

Volume 19, Issue 4

March 2019

Headlines

- Committee describes Facebook as ‘digital gangster’ of the online world, p.17
- Code sets benchmarks for AI use by UK health bodies, p.18
- Thailand’s new data law approved, p.20

Contents

<i>Expert comment</i>	2
<i>Anonymising personal data: where do we stand now?</i>	3
<i>CNIL’s fine to Google—lessons to be learned</i>	6
<i>Practitioner Certificate in Data Protection Examination Results</i>	8
<i>Expanding the GDPR’s journalism exemption — is all the world a stage?</i>	10
<i>Cooper: a basis for processing</i>	13
<i>News & Views</i>	17

EDPS, EDPB and various SAs all talk Brexit

The EU’s Data Protection Supervisor Giovanni Buttarelli has warned that the negotiations between the EU and UK aimed at achieving a new GDPR agreement could take ‘years’.

Whilst presenting his Annual Report, the EDPS highlighted that if the UK leaves the EU without a deal in place, it “means that the UK could end up just like any other of the 132 countries that must wait for a deal with the EU”. He added “countries are queuing for years — Mexico, India, and South Korea.” Mr Butarelli said that the EU has to

“stop working on the GDPR and find adequacy”.

Meanwhile the European Data Protection Board has recently issued two information notes about Brexit—one a general note on data transfers, and the second containing advice to organisations whose Lead Authority for the purposes of their Binding Corporate Rules is the ICO.

In the first note, the EDPB advises organisations to identify the processing activities that involve a personal data transfer from the EEA to the UK,

determine the appropriate data transfer mechanism (e.g., Standard Contractual Clauses, Binding Corporate Rules, derogations) and implement the transfer mechanism before 30th March 2019. It also advises organisations to ensure internal documentation states that transfers will be made to the UK, and to update privacy notices to inform individuals that transfers will be made to the UK.

In its second note, the EDPB states that UK headquartered groups considering applying for

[\(Continued on page 17\)](#)

EU regulators consult on codes of conduct and monitoring bodies

The European Data Protection Board has published draft new guidance on the development of GDPR codes and the activities of associated monitoring bodies.

Under Articles 40 and 41 of the Regulation, it is possible for organisations to seek endorsement of industry-drafted codes of conduct that are ‘intended to contribute to the proper application’ of the GDPR.

The EDPB must approve such codes where they relate to processing in more than one EU Member State. National Supervisory Authorities can approve codes designed for use within their own jurisdiction only.

The EDPB’s guidance addresses the use of codes and the activities of associated monitoring bodies. The guidance states that GDPR codes of conduct could apply to

specific data protection issues, including the collection of personal data, the pseudonymisation of personal data, data security, breach notification and data transfers. It explained that SAs will only give consideration to endorsing codes if the codes that are drafted are admissible. Bodies behind the codes will need to demonstrate the need for their code.

[\(Continued on page 17\)](#)