

Privacy & Data Protection

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Headlines

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- UK regulator launches investigation into facial recognition, p.18
- Facebook’s global digital currency plan is problematic on privacy, say regulators, p.19

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ICO amends guidance on SAR response times

The UK regulator has made a change to its guidance on when to respond to subject access requests.

Individuals have had the right to access personal data held about them for over 30 years. Some changes were introduced under the General Data Protection Regulation ('GDPR'), one being the timescale to comply with a request, which was shortened from 40 days to one month.

ICO guidance issued at the time the GDPR came into effect advised that time should run from the

day after the controller receives a request until the corresponding date in the following month. However, in August the ICO changed its advice and announced that time should run to include the day on which the subject access request has been received.

In practice, this means that if controllers receive a SAR on 3rd June, the deadline to respond will be 3rd July rather than the 4th July as previously understood.

The reason for this change is a European Regulation, which gov-

erns time limits, and a Court of Justice case which interpreted the Regulation, to mean that a deadline is the corresponding date in the following month.

Aisling Byrne, Associate Director with Cleaver Fulton Rankin Solicitors advised that "Although it is a minor change in that time is shortened by one day only, it is nonetheless worth updating any internal data policies or SAR policies to clarify response deadlines and notifying staff with responsibility for dealing with

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Dutch data regulator says despite changes, Windows 10 still breaches user privacy

The Dutch data protection regulator has accused Microsoft of remotely collecting data from Windows Pro and Windows 10 Home users in what could constitute a breach of the GDPR.

The regulator has been engaging with Microsoft for two years over its data collection habits, previously concluding in 2017 that the way Windows 10 operates was in breach of its

local data laws. It found that Microsoft was collecting large volumes of application usage data, such as dwell time, how the user interacted with the app, and how often they are active, as well as data that tracked what sites were visited on its Edge browser.

Microsoft eventually agreed to make changes to its policy in April 2018, a month before the

GDPR came into force. It's those changes that the Dutch data regulator is now questioning, only this time data laws are now standardised across the bloc and present a much tougher front for Microsoft to contend with.

A follow-up check performed by the regulator showed that the changes led to concrete improve-

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