

Privacy & Data Protection

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Headlines

- SCCs for contracts between controllers and processors published, p.17
- EDPS issues opinion on scientific research, p.19
- Europe celebrates 14th Data Protection Day, p.20

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London pharmacy fined after 'careless' storage of patient data

In its first monetary penalty issued under the General Data Protection Regulation, the UK Information Commissioner's Office has fined a London based pharmacy £275,000 for failing to ensure the security of special category data.

Doorstep Dispensaree Ltd, supplier of medicines to customers and care homes, left approximately 500,000 documents in unlocked containers at the back of its premises in Edgware. The documents included names, addresses, dates of birth, NHS numbers, medical information and prescriptions belonging to an un-

known number of people. Some of the documents had not been appropriately protected against the elements, and were therefore water damaged.

The incident represented a failure to process data in a manner that ensures appropriate security against unauthorised or unlawful processing and accidental loss, destruction or damage, which is a GDPR infringement.

The ICO launched its investigation into Doorstep Dispensaree after it was alerted to the insecurely stored documents by the Medicines and Healthcare Products Regulatory

Agency, which was carrying out its own separate enquiry into the pharmacy. Doorstep Dispensaree has also been issued an enforcement notice due to the significance of the contraventions and ordered to improve its data protection practices within three months. Failure to do so could result in further enforcement action.

Meanwhile, the ICO has been criticised for "kicking" £280m in data breach fines against British Airways (£183m) and US hotel chain Marriott (£99m) "into the long grass." In fact, the ICO

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Advocate General gives Standard Contractual Clauses a boost

The Advocate General of the Court of Justice of the European Union ('CJEU') has given his opinion in the 'Schrems II' case, and it appears to be positive news for organisations conducting international data transfers.

The AG recommended that the CJEU upholds the validity of the Standard Contractual Clauses as a mechanism for transferring personal data out-

side of the EU. SCCs are the key data transfer mechanism used by many organisations to transfer personal data outside of the EU.

The AG was giving his opinion in a case stemming from the complaint of Max Schrems, an Austrian privacy advocate who has already been a force for change in the area of global data transfers (a previous

complaint of his led to the invalidation of Safe Harbor). Mr Schrems filed a claim with the Irish Data Protection Commissioner in 2015, challenging Facebook Ireland's reliance on the SCCs as a legal basis for transferring personal data to the company's US base. Facebook had turned to SCCs for legitimising data transfers after Safe Harbor col-

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