

Privacy & Data Protection

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Headlines

- Chinese authorities clamp down with regulation following coronavirus related breaches, p.18
- Airline fined £500,000 in UK, p.20

Contents

<i>Expert comment</i>	2
<i>Special category data — exploring the new ICO guidance</i>	3
<i>EDPB’s guidelines on territorial scope — clarifications and uncertainties</i>	5
<i>Practitioner Certificate in Data Protection — Examination Results</i>	8
<i>UK enforcement: Top five focus areas</i>	10
<i>Schrems II — why the AG’s Opinion might not all be good news</i>	13
<i>Data protection in Japan — Part 2</i>	15
<i>News & Views</i>	17

EU plans for new rules on AI ‘could be clearer’, say experts

The European Commission has launched a debate on new rules to protect citizens against misuses of Artificial Intelligence (‘AI’) technology, saying the current absence of regulation has created a ‘Wild West’ environment.

The Commission’s White Paper on AI was published in mid-February, beginning a process that may lead to European legislation targeting AI systems and the organisations that make them. Among the White Paper’s suggestions on how AI can be regulated are requiring organisations to keep detailed records of

how AI systems were developed, requiring that citizens be clearly informed whenever they are interacting with automated systems rather than human beings, and potentially re-training AI systems developed outside the EU so that they comply with rules particular to the bloc.

Whilst there were no specific proposals on how to regulate facial recognition, the document states in a footnote that ‘freedom of expression, association and assembly must not be undermined by the use of the technology’.

Some researchers have complained that the Paper could have been clearer about what the dangers of AI were and how they could be tackled.

Independent Researcher Dr Stephanie Hare took issue with the facial recognition provisions, saying the current proposals ‘will legalise mass surveillance’. Dr Hare argued that the Commission should implement a multi-year moratorium on facial recognition technology, so that experts can be consulted on how or if such systems can be im-

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

UK government sets out post-Brexit data protection intentions

In its newly released document ‘The Future Relationship with the EU’, the UK has said that it intends to set its own data agenda.

The paper covers many aspects of what the UK would expect a free trade agreement to include. It states that the UK will have an independent policy on data protection at the end of the transition period (31st December

2020), and will remain committed to high data protection standards. The document confirms that the UK will seek ‘adequacy decisions’ from the EU under both the GDPR and the Law Enforcement Directive before the end of the transition period. These would be separate from the wider future relationship, and do not form part of trade agreements.

On a transitional basis, the UK has allowed for the continued free flow of personal data from the UK to the EU. The UK will conduct assessments of the EEA States and other countries under an independent international transfer regime.

In addition, the UK says it will seek appropriate arrangements to allow

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