

Privacy & Data Protection

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Headlines

- Former model ordered to pay £25,000 in privacy related damages, p.18
- Supreme Court rules on the legality of sharing personal data with the US, p.19

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Tracing apps take centre stage for EU Supervisory Authorities

EU Members States, supported by the EU Commission, have developed an EU toolbox for the use of mobile applications for contact tracing and warning, as part of a common coordinated approach to support the gradual lifting of confinement measures.

Contact tracing is now the focal point of Supervisory Authorities and governments worldwide. According to the World Health Organisation, contact tracing is 'the process of identifying, assessing, and managing people who have been exposed to a disease to prevent onward transmis-

sion'. In the early stages of a pandemic, contact tracing is usually a manual process when an infected individual shares a list of their social interactions with an epidemiology team, who follow up with the individual's contacts to assess symptoms and recommend self-isolation. However, this is very labour intensive. In the context of the COVID-19 pandemic, a contact tracing app may be able to slow the spread of the virus, but its success depends not only on the technological solution adopted, but also widespread adoption.

The EU toolbox, which the Commission says is

a first iteration, sets out the essential requirements for such apps: they should be fully compliant with EU data protection and privacy rules, as interpreted in guidance from the European Data Protection Board; they should be implemented in close coordination with, and approved by, public health authorities; they should be installed voluntarily, and dismantled as soon as no longer needed; they should aim to exploit the latest privacy-enhancing technological solutions (likely based on Bluetooth proximity technology); they do not

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ICO adjusts regulatory approach during coronavirus economic downturn

The UK regulator is temporarily adopting a lighter touch policy on enforcement whilst organisations weather the economic effects of COVID-19, meaning fewer investigations and reduced fines.

When deciding whether to issue fines for Data Protection Act 2018 and GDPR breaches, the ICO will now take into account whether an organisation's financial difficul-

ties result from the coronavirus crisis. As such, businesses found to have committed data protection violations may be given longer than usual to rectify breaches that predate the crisis (where the crisis has affected its ability to put things right).

The regulator will also reduce the level of fines it issues, meaning that fines on the same scale

as those levied against British Airways and Marriott last year are unlikely. (The regulatory process for these particular fines was recently extended to 18th May.)

"We see the organisations facing staff and capacity shortages. We see the public bodies facing severe front-line pressures. And we see

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