

Privacy & Data Protection

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Headlines

- Dutch regulator issues record fine for violating data subject rights, p.18
- Australia and UK open probe into Clearview, p.19
- Record-breaking fine imposed in Hungary, p.20

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GDPR receives its first assessment

The European Commission has published its highly anticipated report evaluating the GDPR, addressing international transfer issues, the cooperation/consistency mechanisms between the European Data Protection Board ('EDPB') and Supervisory Authorities ('SAs') and various other topics, including regulator resourcing.

The review is based on input from the Council of the European Union, the European Parliament, the EDPB, SAs, an independent expert group and various other stakeholders.

Although the review makes clear that it would

be premature to draw definitive conclusions regarding the GDPR's application, the Commission's view is that SAs have made 'balanced use' of their enforcement powers, citing the range of fines issued. However, the Commission reminded SAs that the territorial scope of the GDPR should be reflected in enforcement actions, and suggests involving a controller or processor's EU representative where necessary.

Noting that bans on processing may be an equal or higher deterrent than fines, the review did not speak to concerns that fines have been limited in scale and number.

The report highlighted a need to improve the handling of cross-border cases, citing national divergences on complaint handling processes, timeframes and procedures. To this end, the Commission is participating in a 'reflection process' with the EDPB.

The report explains that SAs trying to find a common approach to issues (the Data Protection Impact Assessments national lists was provided as an example) has sometimes resulted in 'moving to a lowest common denominator'.

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UK regulator addresses perplexing privacy questions for hospitality sector

The Information Commissioner's Office has produced guidance for organisations and small businesses that have been asked by the government to collect and retain customer and visitor information, for a limited time period, for the purposes of a COVID-19 contact tracing scheme.

Within his recent announcement that parts of the hospitality sector and

parts of other sectors could reopen on 4th July, the Prime Minister Boris Johnson asked reopening businesses to help NHS Test and Trace respond to any local outbreaks by collecting contact details from customers.

While the PM only referred to 'customers', this will apply equally to any visitors, e.g. guests of the customer who

booked the table, and any other visitors to premises.

The effect of the statement is that organisations collecting visitor details for Test and Trace purposes will, from a data protection perspective, assume the role of 'controller'. This will impact smaller businesses that usually manage bookings in a physical

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