

Privacy & Data Protection

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- MEPs — “One-Stop Shop not working as it should” , p.19
- No right to be forgotten in Hong Kong, p.20

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UK ministers rock the boat on adequacy

Announcements made recently by UK ministers have signalled that the UK is poised to diverge from EU policy in various respects, casting some doubt on it securing a sustainable ‘adequacy’ status from the EU for the purposes of international data transfers.

Media and Data Minister, John Whittingdale MP, said that the government “will make the case for removing unnecessary barriers to data flows, where the significant benefits of growth and innovation are put at risk by more protectionist forces”.

As a first step towards

this, the UK will reach data-sharing agreements with a wider range of countries than those judged by the EU to have ‘adequate’ data protection laws.

The UK currently grants 13 jurisdictions ‘adequacy’ status (outside of the EU and EEA). The list will be expanded “in line with our global ambitions and commitment to high standards of data protection,” Whittingdale said, adding that “our objective is for personal data to flow as freely and as safely as possible around the world, while maintaining high standards of data protection.”

Mr Whittingdale’s statements followed an announcement by UK Culture Secretary, Oliver Dowden MP, that the government is seeking to nudge the UK’s data protection regime towards encouraging more use of data for “economic and social goals”.

“There is a sweet spot for the UK whereby we hold onto many of the strengths of GDPR in terms of giving people security about their data,” Mr Dowden said. “But there are obviously areas where I think we can

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New German decision gives guidance on supplementary measures

The Bavarian data protection regulator has made a ruling in a case that represents the first application of the existing guidance on *Schrems II* (C-311/18).

The decision came about after a German publishing company based in Munich used Mailchimp, a marketing automation platform and email marketing service provided by US-based provider, the Rocket Science Group LLC.

The Bavarian publishing company shared email addresses to the Mailchimp platform in two cases for the purposes of distributing newsletters. The data transfer was made on the basis of Standard Contractual Clauses for data processors in third countries.

A data subject who received a newsletter via the Mailchimp platform lodged a complaint with

the Bavarian regulator, arguing that the company acted illegitimately in using Mailchimp. The Bavarian SA agreed, finding that the transfer of the complainant’s email address to the Mailchimp platform was unlawful because the publishing company had not examined whether, in addition to the SCCs, supplementary measures were nec-

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