

# Privacy & Data Protection

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## Headlines

- WhatsApp to sue Indian government, p.17
- European coalition makes complaints about Clearview AI, p.18
- Latest GDPR fines, p.20

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## MEPs: No adequacy for UK before amendments

Members of the European Parliament have passed a resolution urging the European Commission to amend its draft decision on UK data protection to ensure EU standards for citizens' privacy are respected.

The resolution follows the European Data Protection Board's announcement in mid April that it had adopted two Opinions on the draft UK adequacy decisions issued by the European Commission in February 2021.

The Board's take on the draft adequacy decisions was broadly positive. However, it flagged a

number of areas that should be assessed in greater detail by the Commission before reaching an adequacy decision for the UK. Those included the UK Data Protection Act's immigration exception, which relieves controllers involved with immigration-related activities of certain obligations under the GDPR. Another area of concern was the UK's rules regarding onward transfers of personal data. The Board also flagged the long-standing concerns around interception of communications under the UK's Investigatory Powers Act 2016.

Mirroring the Board's concerns, the European Parliament's resolution highlights the UK's exemptions in the fields of national security and immigration, and bulk data collection for the purposes of law enforcement as being problematic. The MEPs are also concerned about provisions on metadata in UK law not reflecting the sensitive nature of such data.

The MEPs expressed deep concern that information 'safeguarding' between the UK's intelligence agency, GCHQ,

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## UK Investigatory Powers regime dealt blow by European Court's decision

The European Court of Human Rights has ruled that the UK intelligence agency's methods for bulk interception of online communications violated the right to privacy, and the regime for collection of data was unlawful.

The judgment is the culmination of an 8 year legal challenge started by 11 non-governmental organisations including Liberty, Privacy International and

Amnesty, in the wake of revelations about the UK's involvement in mass surveillance following leaks by Edward Snowden in 2013.

The ruling applies to the surveillance regime of the Regulation of Investigatory Powers Act 2000 which has since been replaced by the Investigatory Powers Act 2016.

In its 200-page judgment, the Court said that because of the proliferation of threats faced by the UK and other countries, the decision to operate a bulk interception regime did not inherently violate privacy rights.

However, it found that the UK's bulk interception regime had shortcomings under RIPA which meant

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