

# Privacy & Data Protection

Volume 21, Issue 8

September 2021

## Headlines

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- China's GDPR passed, p.19
- EDPB reports on resources and enforcement actions, p.20

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## ICO consults on international data transfer agreement

The UK Information Commissioner's Office is consulting on a draft international data transfer agreement ('IDTA'), which will replace the Standard Contractual Clauses for personal data transfers out of the UK.

The UK's position on data transfers comes two months after the European Commission's adoption of new EU Standard Contractual Clauses and the European Data Protection Board's publication of its final *Schrems II* (C-311/18) guidance.

Since Brexit, the EU SCCs have not automati-

cally applied in the UK, and the ICO has not formally acknowledged the EU SCCs as a valid data transfer mechanism under the UK GDPR.

In addition to adopting the IDTA, which is the ICO's own form of SCCs, the regulator has issued a UK addendum that can be used with the EU SCCs, as well as its own form of UK *Schrems II* data transfer assessment, referred to as a Transfer Risk Assessment ('TRA').

The IDTA, which does not follow the same format as the EU SCCs, is formed of four parts.

The first part includes tables setting out particulars of the data transfer. These are similar to the Appendices in the EU SCCs, albeit more detailed. The tables format is not mandatory provided that organisations include the necessary information as set out in the particulars.

The second part is extra protection clauses, or supplementary measures to be included where the TRA determines there is no essential equivalence in the recipient third country.

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## Pharmacy's UK GDPR fine reduced on appeal

A pharmacy fined for its handling of sensitive personal data has had the level of its penalty reduced on appeal after a UK tribunal accepted its claims that the scale of its breach of data protection laws was smaller than the ICO had determined.

The ICO fined Doorstep Dispensaree £275,000 in 2019, and ordered the company to improve its data protection practices.

The fine was the first ever issued under the GDPR in the UK.

The ICO determined that the company stored approximately 500,000 documents in unlocked containers at the back of premises in Edgware in London. The documents contained a range of personal data, including NHS numbers, medical information and details of prescriptions, as

well as people's names and addresses, and some of them were water damaged.

The company raised an appeal against both the monetary penalty notice and enforcement notice. The Information Rights Tribunal partially ruled in its favour to reduce its fine to £92,000.

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