Thursday 30th July 12:00-13:00

HOW TO PREPARE FOR A NO DEAL GDPR BREXIT

MARK GRACEY GDPR

https://markgraceygdpr.co.uk

YOUR PRESENTER

MARK GRACEY GDPR

- Began working in the internet industry in the mid-90s when I joined Demon Internet to help set up their commercial web sales and support team
- Set up one of the UK's first network abuse teams (for Demon Internet) dealing with complaints and misuse of the internet
- 15+ year career in internet regulation dealing with everything from internet content liability to data protection and police liaison
- I've worked with the government on behalf of the internet industry and advised the House of Lords on internet policy matters as well as influencing the outcomes of a number of pieces of legislation
- In June 2017 set up the Digital Compliance Hub, now Mark Gracey GDPR, a subscription-based support service, offering a data protection and privacy compliance helpline (email and phone) backed up by a library of resources including guides, checklists, tools and templates as well as access to webinars and other compliance tools. We also offer outsourced DPO services and pay-as-you-go support.

RELEVANT EXPERIENCE

- Became a Data Protection Manager when the 1998 Act came into force, ensuring ongoing compliance as well as working with government and law enforcement with access to communications data and issues with data retention
- Computer Science Degree & Masters Degree in Computer and Communication Law

AGENDA

WHAT WE'LL BE COVERING

- → GDPR & restricted transfers overview
- → What's Brexit got to do with GDPR?
- → What this means in practice
- → Q&A

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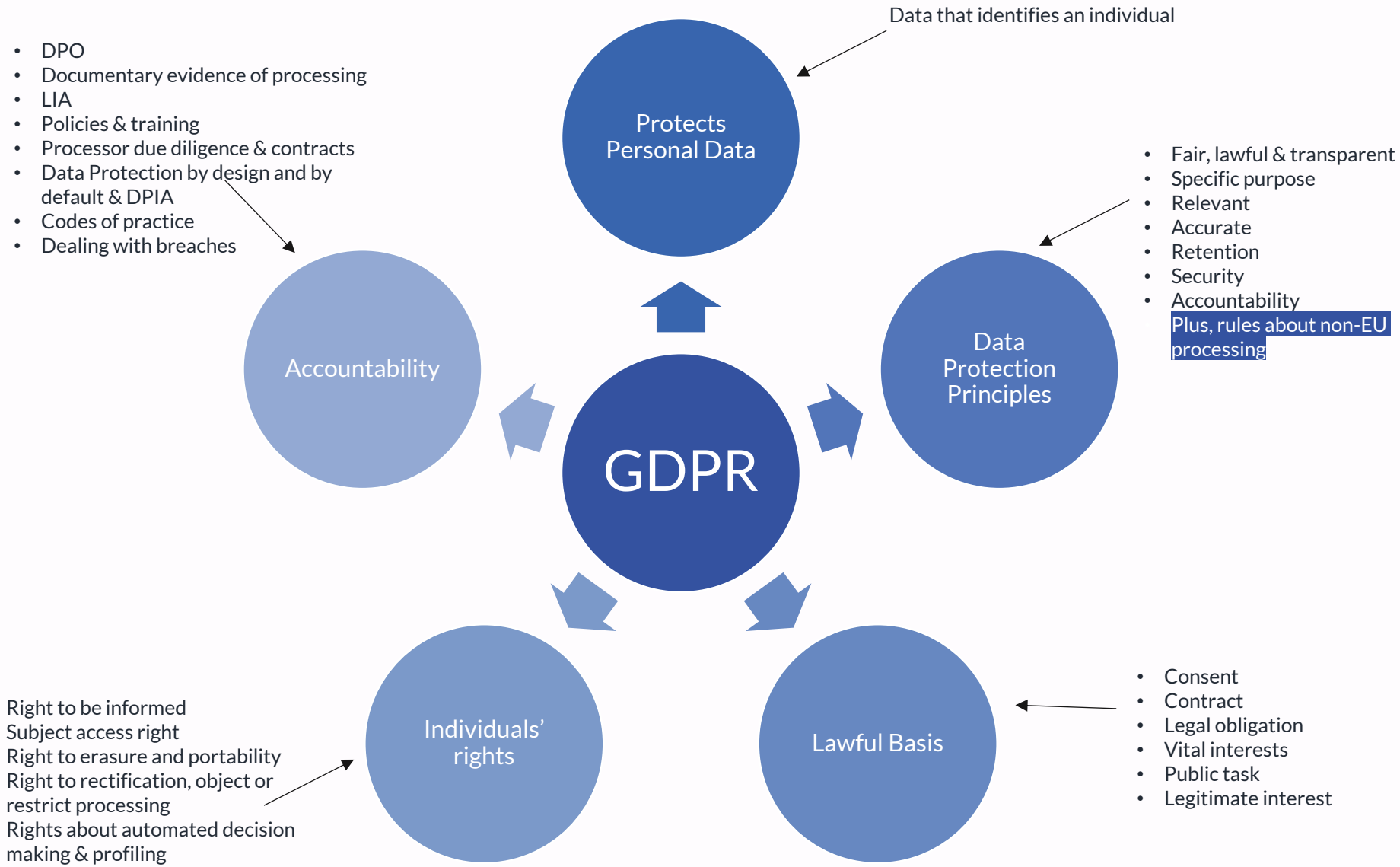
GDPR AND RESTRICTED TRANSFERS OVERVIEW

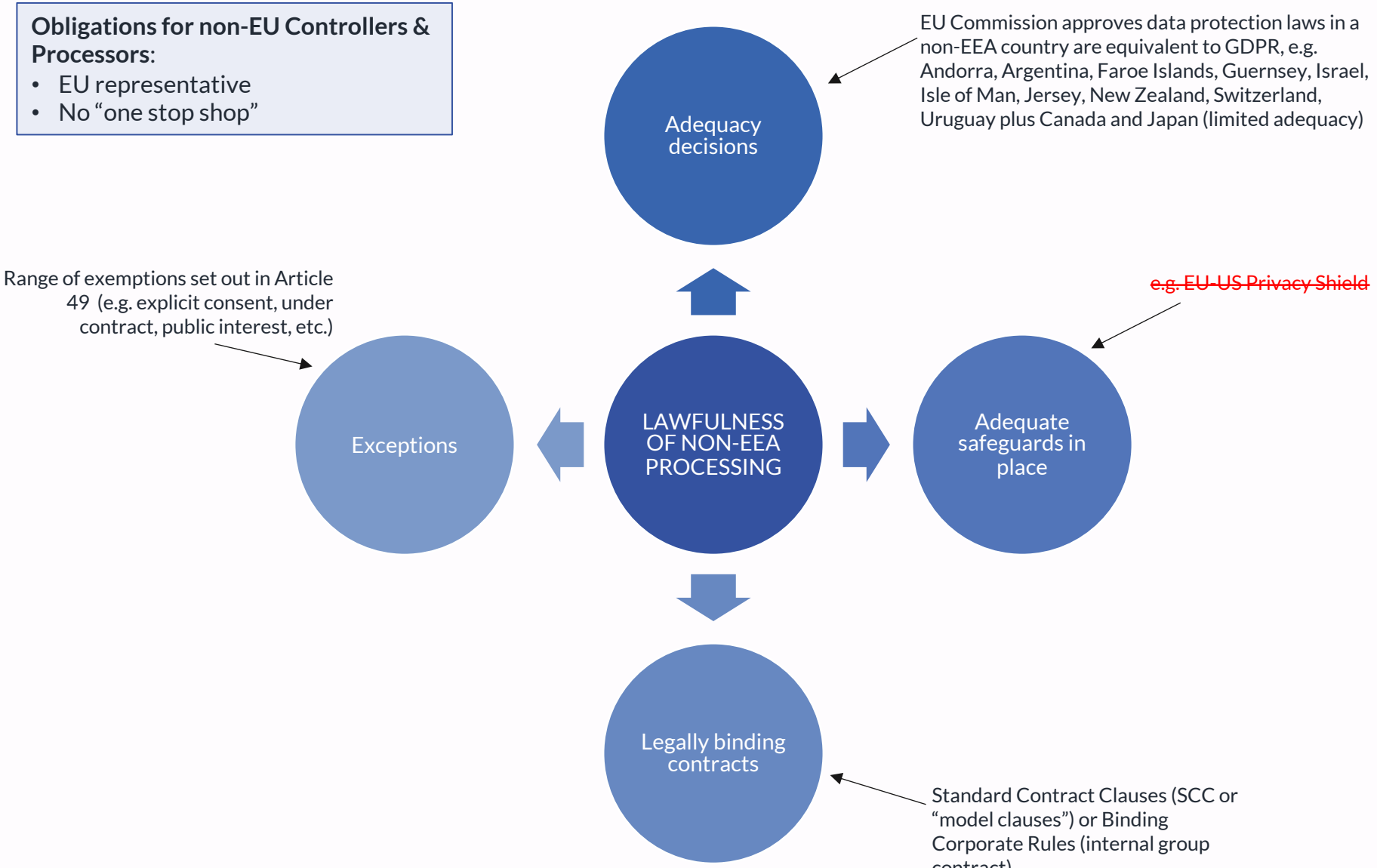
GDPR ESSENTIALS



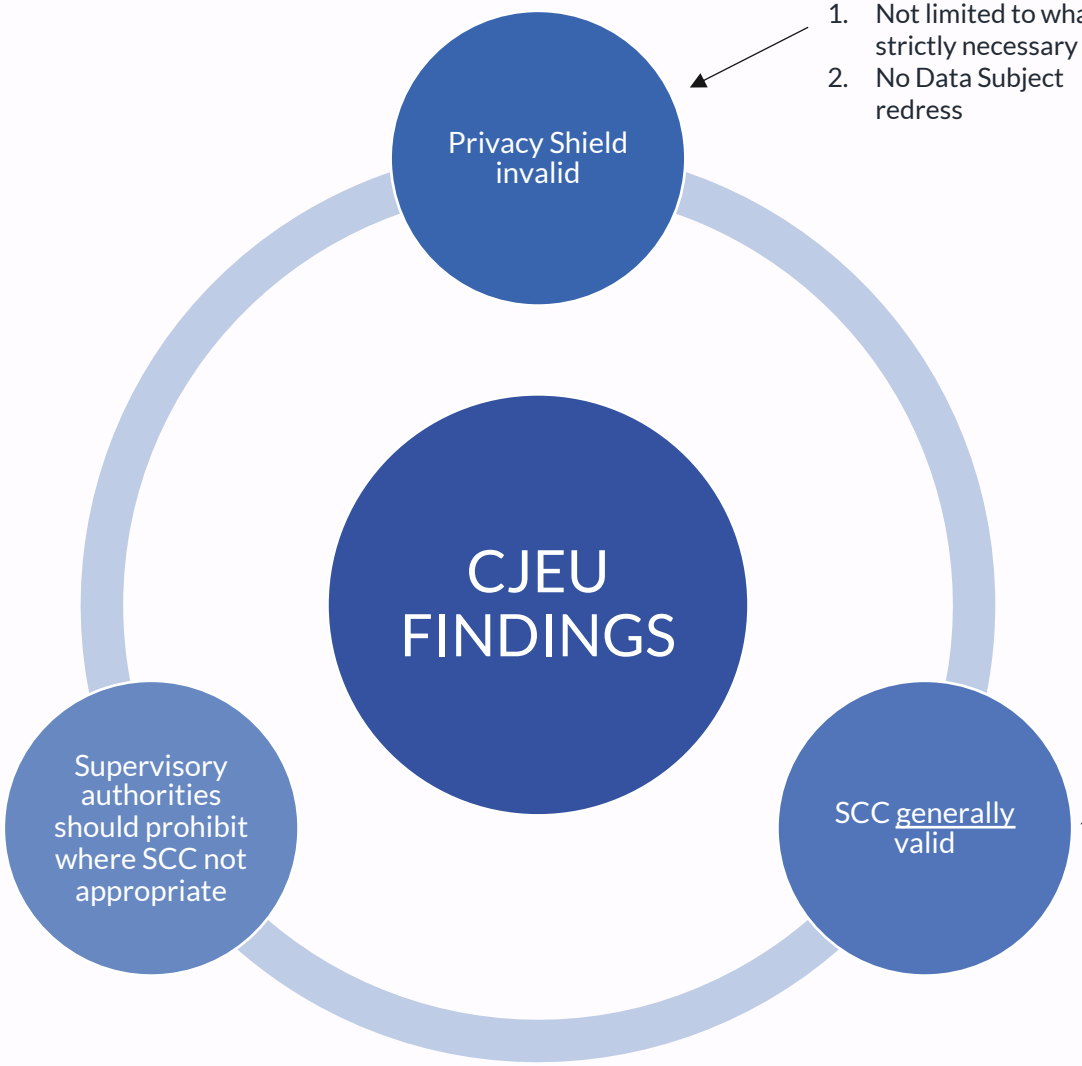
GDPR CHAPTER V: APPROPRIATE SAFEGUARDS

Obligations for non-EU Controllers & Processors:

- EU representative
- No "one stop shop"



DON'T FORGET SCHREMS II



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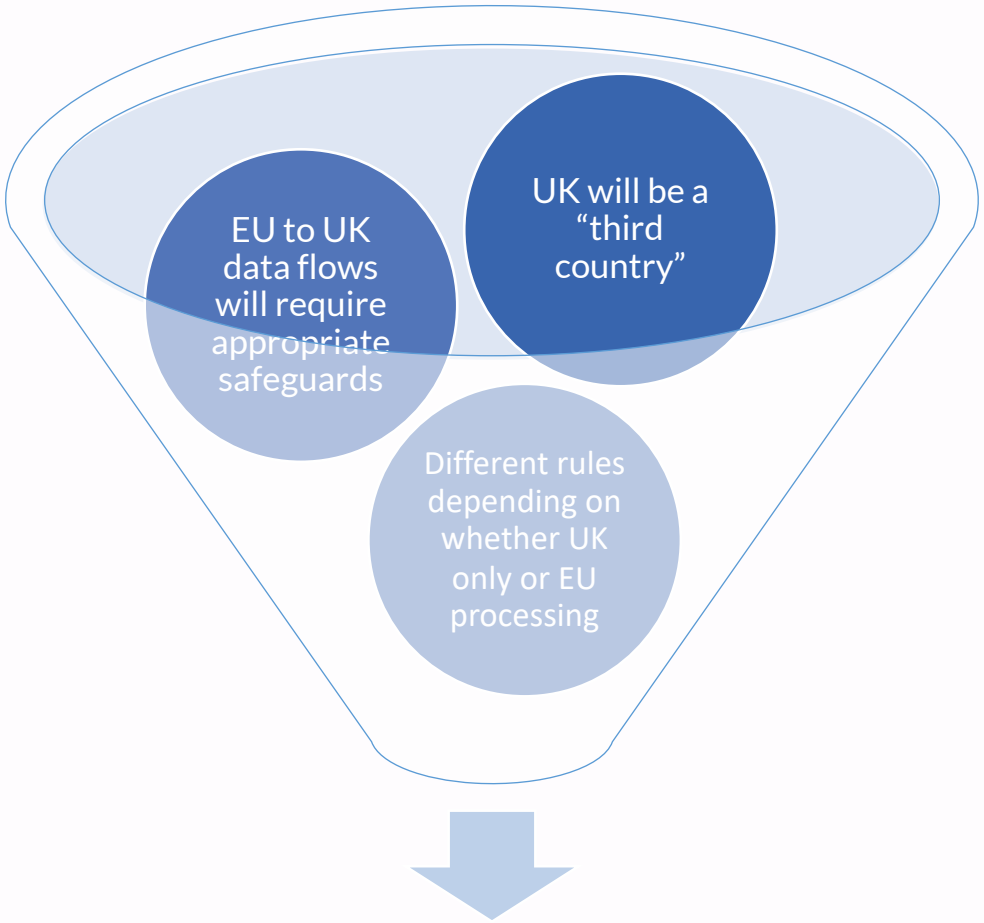
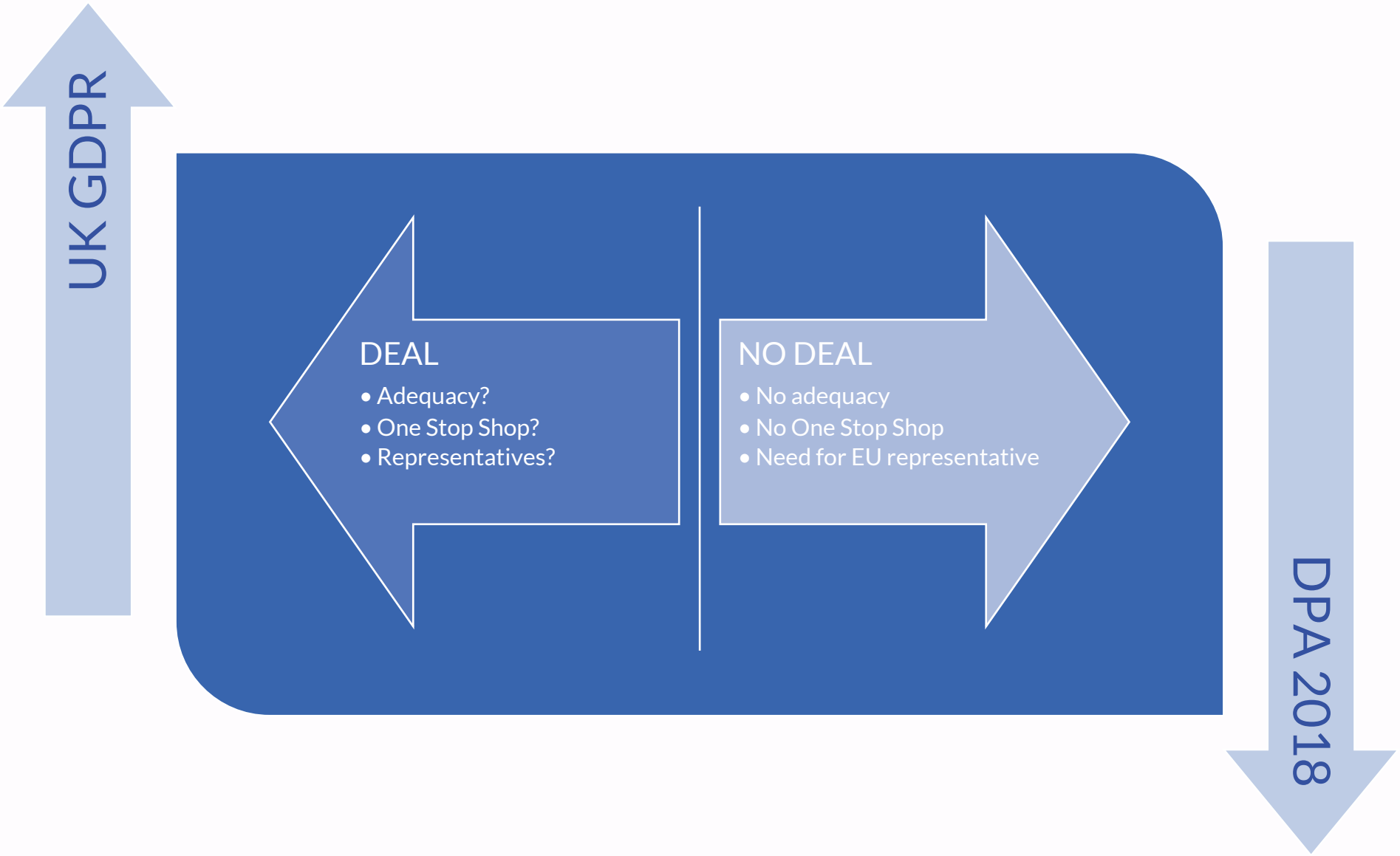
WHAT DOES THIS HAVE TO DO WITH BREXIT?

BREXIT: FROM 2021



GDPR COMPLIANCE

DEAL OR NO DEAL GDPR BREXIT?



WHAT THE EU ARE SAYING

in order for the Commission to declare the adequacy of the UK data protection framework, it must demonstrate that the UK provides a level of protection 'essentially equivalent' to that offered by EU legal framework, including on onward transfers to third countries; recalls that UK Data Protection Act provides for a general and broad exemption from the data protection principles and data subjects' rights for the processing of personal data for immigration purposes; is concerned about the fact that, when non-UK citizens' data are processed under this exemption, they are not protected in the same manner as UK citizens; is of the view that that exemption would be in conflict with {GDPR]; furthermore, is of the view that the UK legal framework on retention of electronic telecommunications data does not fulfil the conditions of the relevant EU [common rights] as interpreted by the CJEU, and hence does not currently meet the conditions for adequacy; Considers necessary to pay particular attention to the legal framework in the UK in the fields of national security or processing of personal data by law enforcement authorities; recalls that mass surveillance programmes might not be adequate under EU law …

European Parliament: Proposed mandate for negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland
12th February 2020

Businesses and public administrations should take the necessary steps to ensure the compliance of any personal data transfers to the United Kingdom with Union data protection law, irrespective of the scenario whereby an EU adequacy decision will be taken with regard to the United Kingdom. Compliance can be achieved by having appropriate safeguards in place as foreseen by the General Data Protection Regulation, including binding corporate rules, or through specific derogations.

EU Commission communication on readiness at the end of the transition period between the European Union and the United Kingdom
9th July 2020

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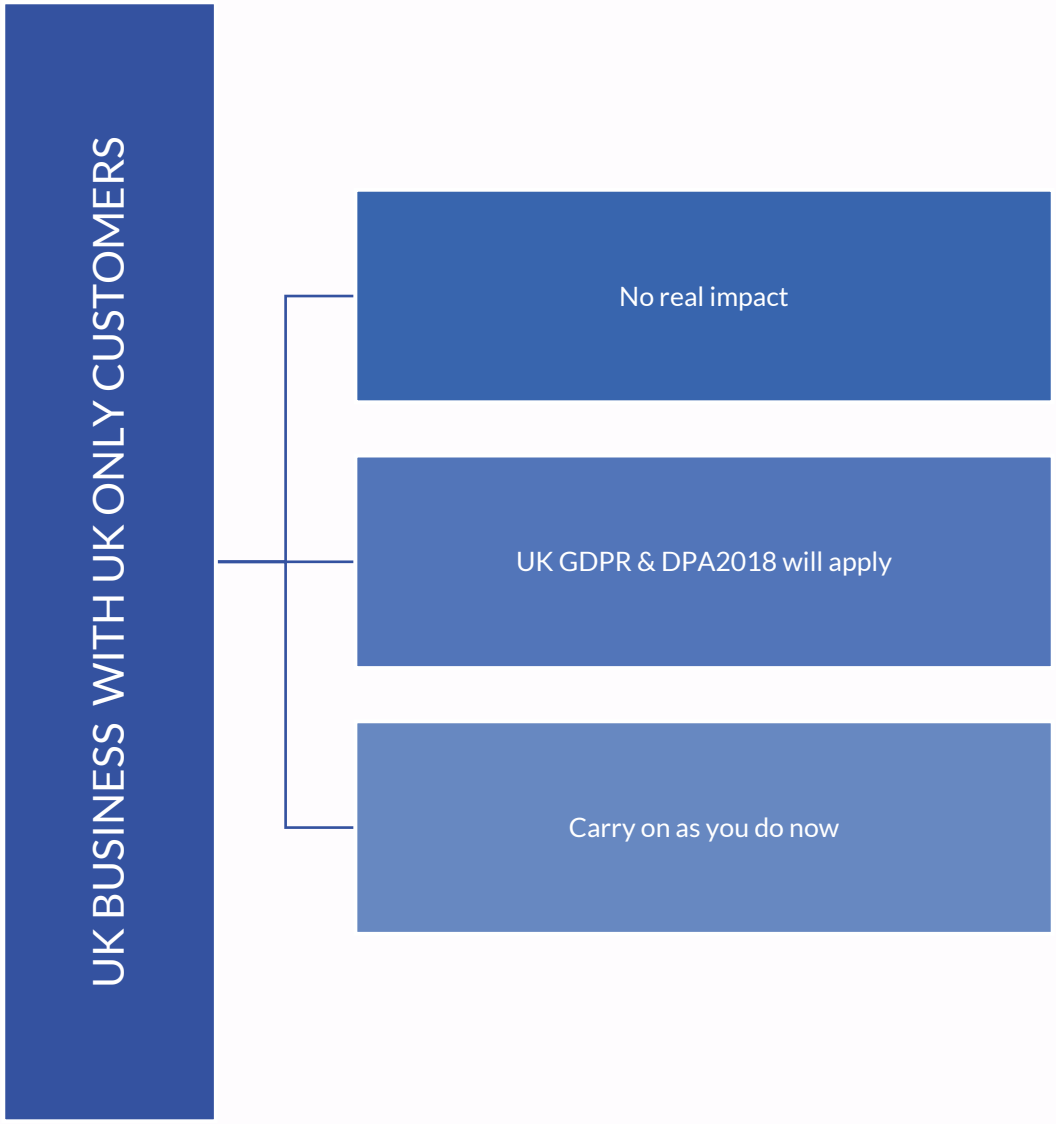
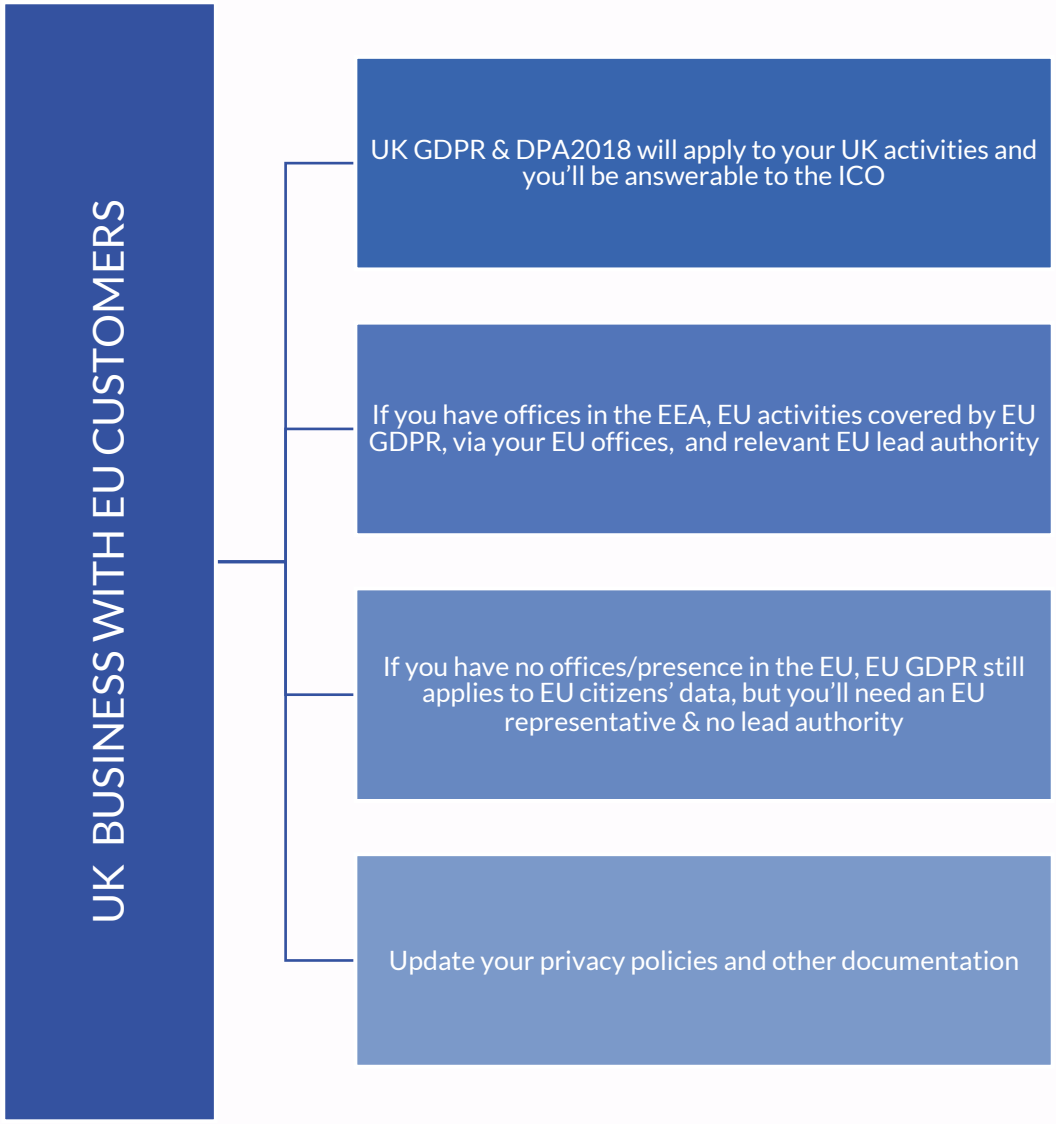
WHAT DOES THIS MEAN IN PRACTICE?

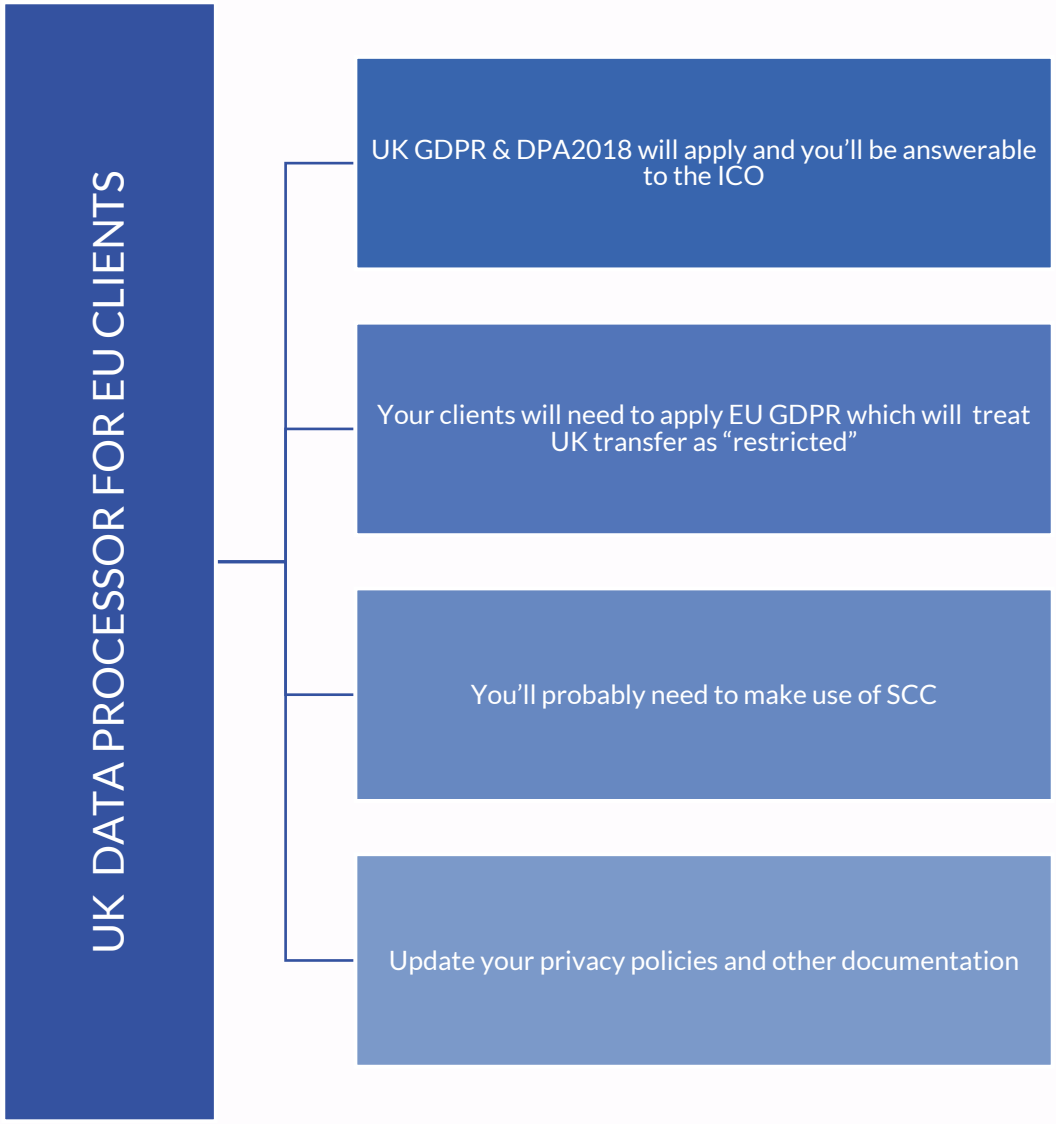
NO GDPR DEAL: UK ONLY BUSINESSES



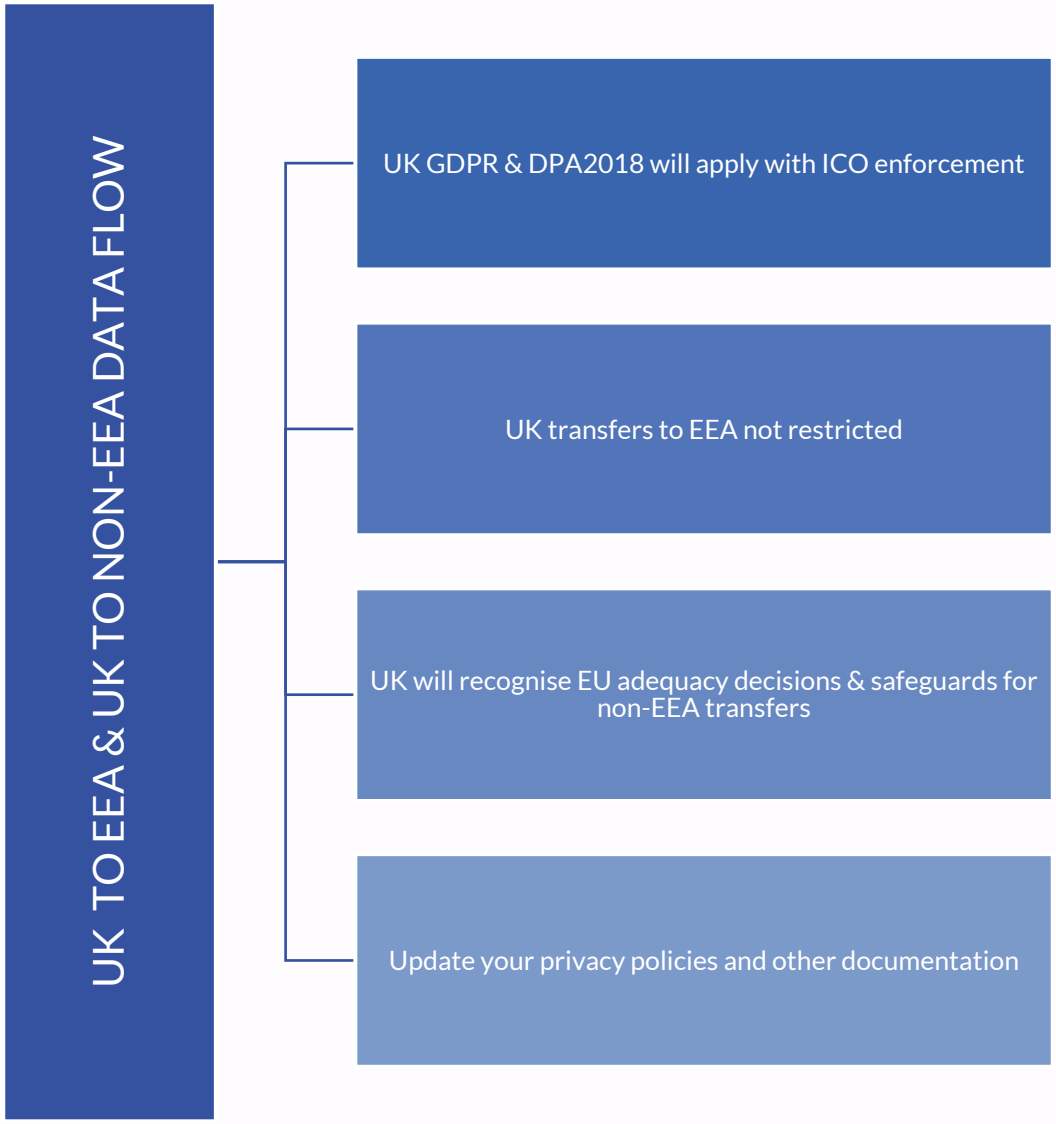
NO GDPR DEAL: UK BUSINESSES TARGETTING EU CUSTOMERS



NO GDPR DEAL: UK PROCESSOR FOR EU CONTROLLERS



NO GDPR DEAL: UK TO EU & UK TO COUNTRIES OUTSIDE EU



SO, WHAT NOW?

1. Keep a watch for any new guidance from the ICO, UK government or EU
2. Decide on when you'll act – leaving it to the last minute? Waiting for more clarity? Put in place an action plan
3. Identify your data processing activities which will be impacted
4. Review your privacy notices, policy documents and any other documentation and update accordingly, especially if referencing EU laws
5. Review your DPIA if they reference international data flows
6. Identify your lead authorities if processing EU citizen data
7. Determine if you need an EU representative and if so, identify a representative you'll use and in which EU state
8. Determine where you might need to use SCC and expect engagement from EU clients
9. Be prepared to deal with EU clients engaging about preparing ahead of the end of transition or reach out to clients
10. Where necessary document your findings, outcomes and decisions – evidence of your compliance approach

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HERE TO HELP

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GDPR DIY

- Online resources
- Support via FB group
- Support also PAYG
- Step-by-step guides
- Policy templates
- Alerts & updates

GDPR UNLIMITED

- Unlimited support
- Online resources
- Hands-on help
- Reviews
- Training
- Reports

GDPR PAYG

- Pay-as-you-go
- By the hour support
- Compliance reviews
- Privacy policies
- For start-ups
- Website compliance
- Training

Practical GDPR & ePrivacy support and advice whenever you need it

TO FIND OUT MORE: https://markgraceygdpr.co.uk/services/

FORTHCOMING WEBINARS

Sign up to our forthcoming webinars and training:

- 4th August: Article 13 Club Online Meet-up – more on Schrems II (FREE)
  https://markgraceygdpr.co.uk/training/article-13-club-online-meet-up-august-2020/

- 6th August: GDPR implications for the "new normal" for your business (FREE)
  https://markgraceygdpr.co.uk/training/gdpr-implications-for-the-new-normal-for-your-business/

- From 7th August: Restart of the GDPR Weekly Workout 10 week programme (£££)
  https://markgraceygdpr.co.uk/gdpr-workout/

TIME FOR YOUR QUESTIONS & DISCUSSION

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