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UK marketers call for more guidance on GDPR compliance

ICO consent guidance consultation stirs emotions and receives 300 responses. Final version is promised by June. By **Laura Linkomies**.

Speaking at *The GDPR and Retailing*, PL&B conference hosted by law firm, DWF, in London on 4 May, Garreth Cameron, the ICO's Group Manager for the Private Sector, explained that it will now take some time to go through all the responses received to the ICO's consultation on consent.

The feedback will be taken into account in the final version. He said that there have been many comments on naming third parties when seeking consent.

"We have had much feedback on this, there is clearly a line to be drawn

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Challenges to the EU-US Privacy Shield and the Model Contract Clauses

Dr Nathalie Moreno of Lewis Silkin LLP analyses the UK's options for international transfers post-Brexit. Options include EEA membership, an adequacy decision or a bespoke EU-UK Privacy Shield.

Back in 2013, the privacy world suffered a seismic shift in the aftermath of the Snowden affair which unveiled the global mass surveillance operated through the Prism program of the United States

National Security Agency (NSA) and through the Tempora's computer system used by the British Government Communications Headquarters

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Brexit hampers SME firms' GDPR preparations

According to a survey by Crown Records Management, nearly a quarter of UK businesses have stopped all preparation for forthcoming European regulation because of Brexit. The survey, based on some 400 IT decision makers working in companies with 100 to 1,000 employees in a variety of sectors, show the damage of the Brexit situation for data privacy. 44% of the respondents believe that the GDPR will not apply to UK firms after Brexit.

You, as a subscriber to *PL&B UK*, are exceptionally well-informed so we expect that your preparations are well underway, as we heard at our *GDPR Help! Roundtable* in March (p.14) and *Retail Conference* in May (p.1). But DPOs are having a hard time trying to decide what action to take. Guidance is urgently needed and it will be interesting to see the ICO's renewed attempt to tackle the consent provision (p.1).

The Information Commissioner is advocating an application for an adequacy decision (p.21). In the absence of such a decision, other routes exist (p.1) but they would not be business-friendly. Will current and future data transfer provisions contribute to protectionism? (p.8)

The UK may well hit a Brexit legislative bottleneck (p.12). For now, companies will have to stay compliant with the current law. Recent court decisions on subject access requests shed some more light on what is a reasonable and proportional search (p.19).

On p.10 our correspondents brief us on the ICO's thinking on big data, artificial intelligence and machine learning. This is an area where the GDPR's transparency and accountability requirements are particularly important.

These and many other issues will be explored, explained and debated at *Promoting Privacy with Innovation*, our 30th Anniversary International Conference in Cambridge 3-5 July. Book your place now at www.privacylaws.com/ac30

Laura Linkomies, Editor

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