Centre for Information Policy Leadership (CIPL) and

UK Department for Digital, Culture, Media & Sport (DCMS)

## Senior Privacy Leaders Virtual Roundtable No. 2 with DCMS: the UK's Data Regulatory Regime

—Chatham House Rule—

Thursday, 7 October 2020 | 3:00 PM – 5:00 PM (London)

## AGENDA

In June 2018, the Secretary of State for the UK DCMS announced the UK Government's intention to develop a National Data Strategy (NDS) that would unlock the power of data across government and the wider economy, while building citizen trust in its use.[1] The aim of the NDS is to drive the collective vision that will support the UK in building a world-leading data economy. It will help ensure that people, businesses and organisations trust the data ecosystem, are sufficiently skilled to operate effectively within it, and can get access to high-quality data when they need it.[2]

CIPL is partnering with the DCMS to organise two roundtables for CIPL members to provide direct inputs into the development of the NDS. The **first roundtable** in September will focus on international data transfers. It will discuss in particular how the UK can unlock the potential of alternative data transfer mechanisms under the GDPR, including in the context of Brexit and the *Schrems II* decision of the Court of Justice of the European Union (CJEU). The **second roundtable** in October will explore how the UK can improve its data regulatory regime, build a position of global leadership and outreach with regards to data protection and the data economy, and promote global interoperability between different data protection regimes and mechanisms.

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| **3:00 PM** | **Welcome and roundtable goals** |

  ❖ **Bojana Bellamy**, President, CIPL

  ❖ **James Snook,** Director, Data Policy, DCMS

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| **3:10 PM** | **The UK's approach to a data regulatory regime in the context of the National Data Strategy** |

  ❖ **Matt Crow**, Policy Adviser, DCMS

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| **3:25 PM** | **Roundtable discussions** |

  ❖ Moderator: **Bojana Bellamy**, President, CIPL

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[1] UK DCMS Policy paper – National Data Strategy open call for evidence, available at https://www.gov.uk/government/publications/national-data-strategy-open-call-for-evidence/national-data-strategy-open-call-for-evidence#:~:text=In%20June%202018%2C%20the%20Secretary,citizen%20trust%20in%20its%20use..
[2] https://www.gov.uk/guidance/national-data-strategy

Questions for discussion:

*Improving the UK data regulatory regime*

- What are the biggest challenges and unfulfilled promises of the GDPR (i.e. provisions that did not work as intended, or have not yet been interpreted fully, thereby creating issues for organisations)? Is there an opportunity for the UK to improve its data protection regime using lessons learned from the GDPR as well as from the COVID-19 pandemic? Provide constructive examples and solutions.

- What are the helpful GDPR provisions that could be further implemented and developed to reach the GDPR's full potential (e.g. accountability tools such as certifications and codes of conduct; constructive engagement with stakeholders; transparent enforcement)? Why haven't these been fully realised yet? What can the UK do to promote them?

- How can the UK mitigate concerns that a business-friendly approach towards the development of the data economy would be detrimental to individual protections, including personal data protection?

- What mechanisms should the UK promote to enhance trust in the use of personal data in the public and private sectors (e.g. regulatory sandboxes; case studies developed by the UK Information Commissioners' Office (ICO); education campaigns)?

- How should the UK promote and encourage accountability and good faith compliance? Consider the mechanisms that could enable organisations demonstrate compliance with data protection principles and regulations (e.g. DPIAs used to demonstrate good data governance beyond risk-measurement; accountability frameworks; certifications).

*Building outreach and a position of global leadership for the UK*

- How should the UK prioritise its multilateral engagement with regards to data protection and developing the data economy (e.g. ranking countries based on volume of data transferred; prioritise countries with the biggest economic impact for the UK; prioritise regions with significant economic potential, e.g. APAC; prioritise countries with developing data protection laws such as India and Brazil; prioritise specific fora such as the Global Privacy Assembly (GPA))?

- What are the objectives and opportunities for ongoing engagement between the DCMS and the ICO with their respective EU counterparts?

- What are the objectives and opportunities for ongoing engagement between the DCMS and the ICO with the Organisation for Economic Co-operation and Development (OECD), in particular taking into account that the ICO's Deputy Commissioner has been appointed chair of the OECD's Working Party on Data Governance and Privacy?[3]

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[3] ICO Deputy Commissioner appointed OECD working party chair, available at https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2019/11/ico-deputy-commissioner-appointed-oecd-working-party-chair/.

*Promoting global interoperability in data protection*

- What are the most effective measures for the UK to fight the data localisation trend, in particular considering the impacts of the *Schrems II* decision by the Court of Justice of the European Union (CJEU)?

- How can the UK promote global interoperability in data protection? What multi-lateral certification mechanisms or accountability frameworks could be leveraged and further developed for the purpose of global interoperability?

- How can the UK leverage existing fora to promote global interoperability in data protection (e.g. ICO through the GPA and OECD's Working Party on Data Governance and Privacy)?

**5:00 PM          End of roundtable**