

# Centre for Information Policy Leadership (CIPL) and UK Department for Digital, Culture, Media & Sport (DCMS) Breakfast Roundtable

## **Brexit Impact and Readiness**

25 January 2019  
London



Centre for  
Information  
Policy  
Leadership  
Hunton Andrews Kurth LLP

# Opening Remarks

**Bojana Bellamy, President, CIPL**

- ❖ 8:30 AM      **Registration and Breakfast**
- ❖ 9:00 AM      **Opening Remarks**
- ❖ 9:05 AM      **Presentation on DCMS' Work and Brexit Business Readiness Survey Results**
- ❖ 9:35 AM      **Presentation on the Legal Impact of Brexit for Data Protection**
- ❖ 9:55 AM      **Open Discussion**
- ❖ 11:30 AM     **End of Roundtable**



# International Data Transfers in a No-deal Brexit Scenario

**Andrew Elliot**  
**Elizabeth Marsh-Rowbotham**  
**Caroline France**



# Timeline

**December  
(2018)**

Taskforce  
established

**January  
(2019)**

Sector expert  
Engagement

**February  
(2019)**

Direct to firm  
Engagement

**March  
(2019)**

Begin  
Adequacy  
negotiations



## Initial findings

**46% have** taken action to understand data protection risks posed in a no deal Brexit scenario

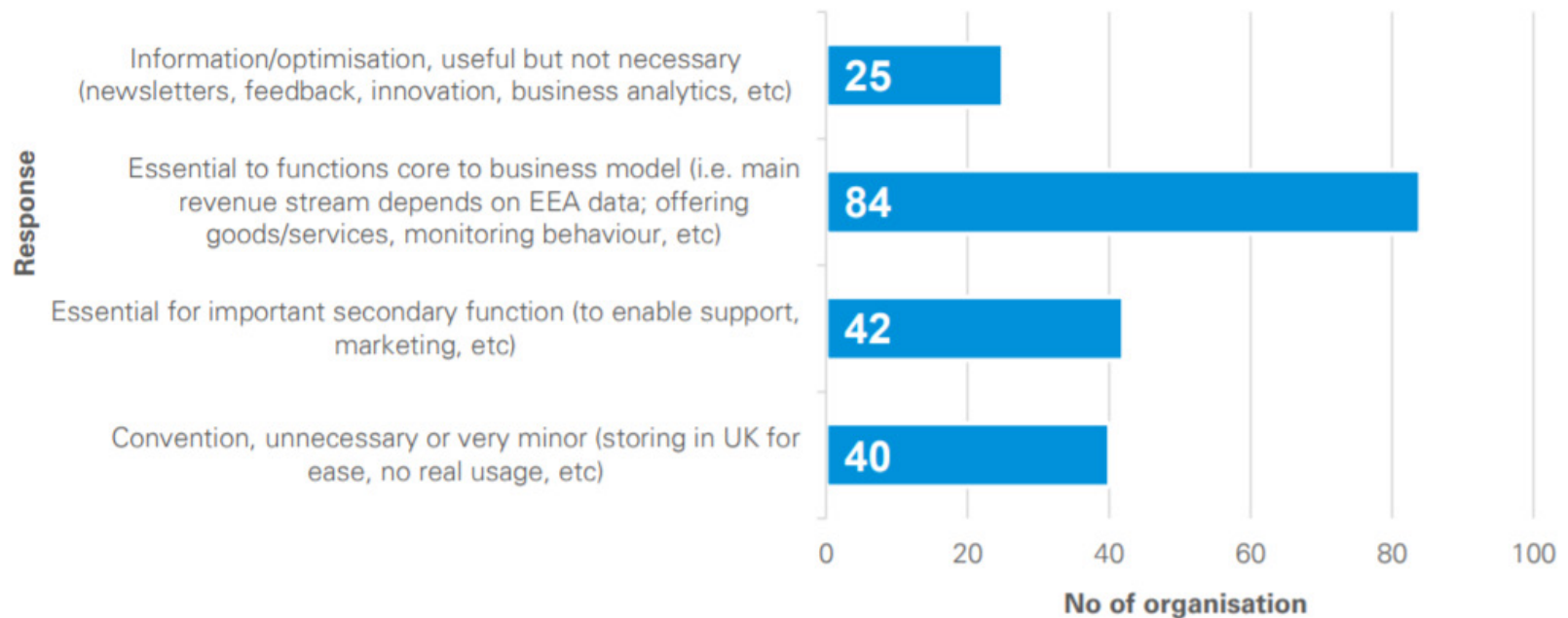
**48% have not** taken action to understand data protection risks posed in a no deal Brexit scenario



# How much does your organisation rely on personal data coming from EEA (excluding UK)



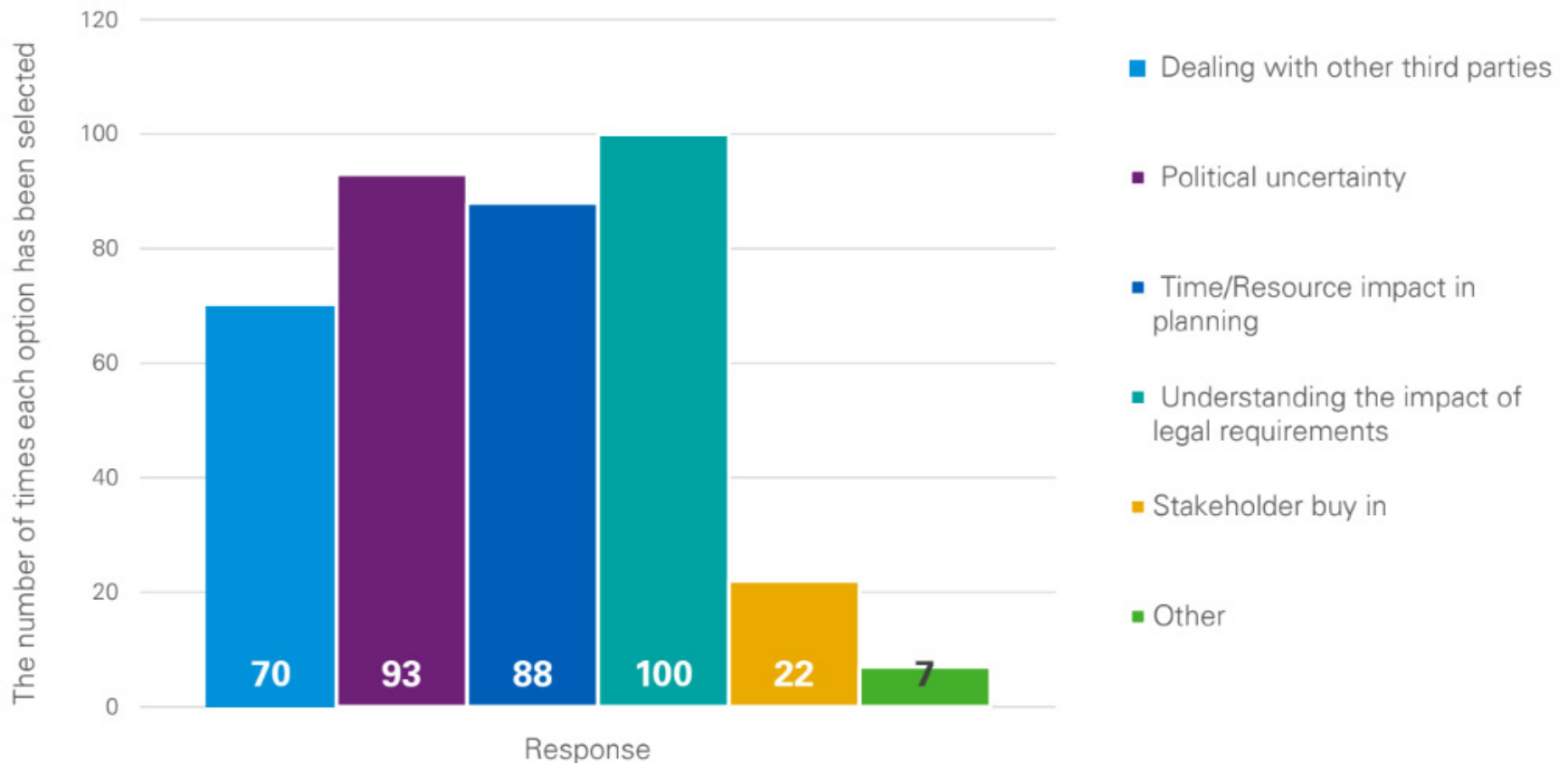
Department for  
Digital, Culture  
Media & Sport



# What are your biggest challenges for the data protection impacts of a 'no deal' Brexit



Department for  
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## **Top issues from stakeholder engagement**

- 1) EU processor to Non EU controller
- 2) Data residency
- 3) Adequacy
- 4) Regulatory forbearance
- 5) One stop shop
- 6) Resourcing mitigation activity



## What is known about a No-deal Brexit Scenario?

- The European Union (Withdrawal) Act 2018 will bring the GDPR into our domestic law.
- The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 makes provision for international transfers.

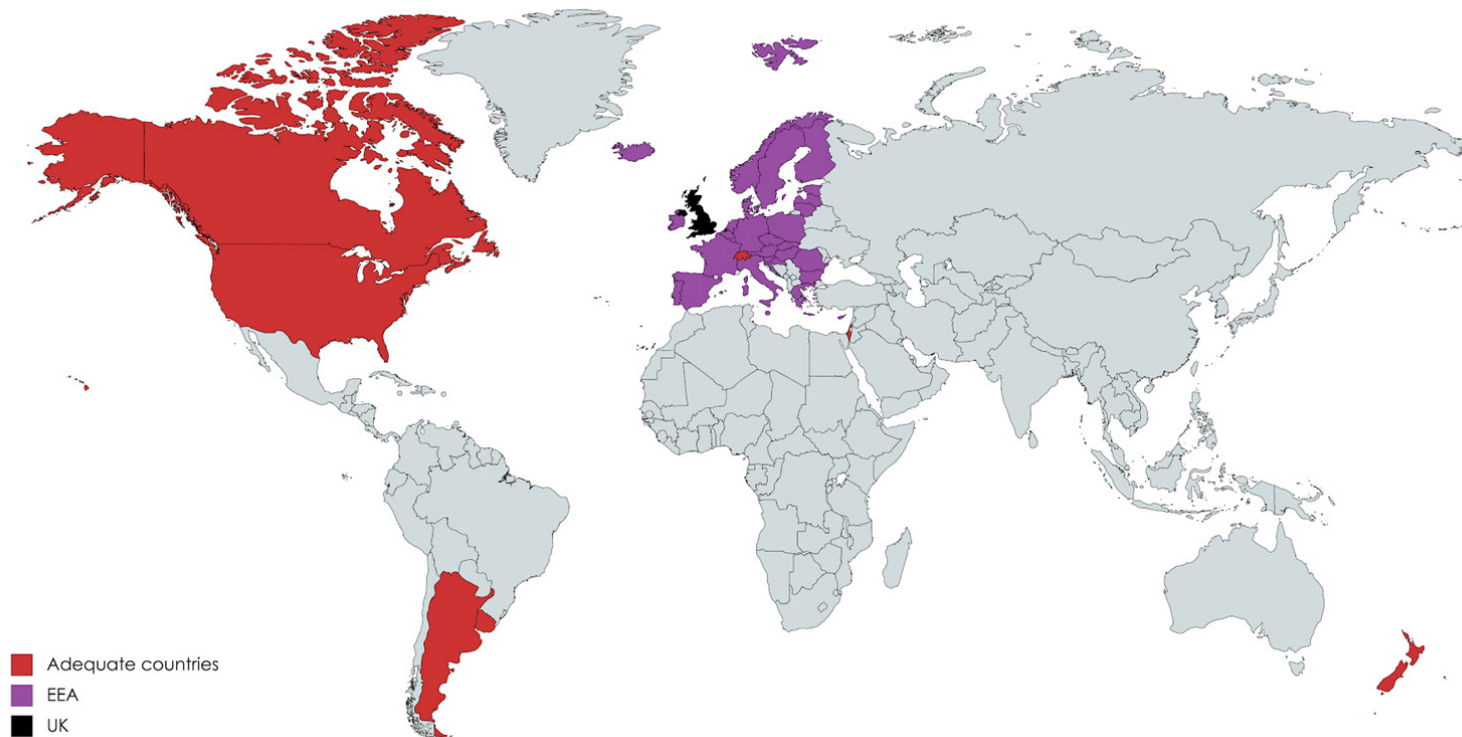
**Note: In a no deal scenario, there will not be an adequacy agreement with the EU in place on 29 March.**



# So what might change on 29 March?

Data transfers FROM the UK to other countries continue as before.

But transfers TO the UK may need to be reviewed depending on originating state.





# Transfers from the EEA, to the UK are the main concern

## Transfers from the rest of the world

- No change

## Transfers from adequate states

- The UK is seeking to agree with the 13 relevant states that transfers will continue as before.
- We can confirm this will be the case with USA, Switzerland, Faroe Islands and Israel.
- Look out for further announcements.

## Transfers from the EEA

- Many organisations need to consider whether standard contractual clauses are necessary.
- The Information Commissioner has provided extensive guidance and tools to help guide organisations through this.



# What does this mean for your organisation?



Have you considered the  
“6 steps” guidance?

Do you have a contingency  
plan?



# Discussion

# Legal Impact of Brexit for Data Protection

**Bridget Treacy**, Partner, Hunton Andrews Kurth (UK) LLP

**Rosemary Jay**, Senior Consultant Attorney, Hunton Andrews Kurth (UK) LLP

# Discussion Questions

## Awareness

- How aware is your sector/organisation of the implications of a potential no-deal Brexit?
- In particular, has data protection been considered in relation to no deal planning?

## Risk

- What are the most common concerns, if any, about data protection under a no deal Brexit?
- Is the sector looking at the risks and options regarding data protection in the case of a no-deal Brexit?

## Compliance

- How challenged was your sector by GDPR compliance?

## Transfers and data processing

- How dependent is the sector on personal data transfers to/from the EEA?
- Can you estimate, as a percentage, how dependent the sector is on data transfers?

## Mitigation

- Are you aware of any discussions being had around additional measures organisations are adopting to guard against any negative impact on data protection compliance of a no deal Brexit?
- What are the most common strategies discussed?



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