

Privacy & Data Protection

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Headlines

- US and EU sign Umbrella Agreement, p.17
- Belgian Court rules on right to be forgotten, p.18
- Investigatory Powers Bill: privacy concerns 'could be met' says Committee, p.19

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Data Protection Regulation: the countdown begins

With the publication of the General Data Protection Regulation in the Official Journal of the EU, the countdown towards compliance with the new rules has begun in earnest.

The GDPR's provisions will be directly applicable from 25th May 2018, giving organisations two years to prepare for the new rules. Experts and regulators are warning organisations not to delay.

Meanwhile, the European data protection regulators are busy preparing guidance on implementing the changes. In the next 6 months, the Article 29 Working Party will

produce documents on the following subjects: identifying an organisation's main establishment and lead supervisory authority; data portability; Data Protection Officers; risky processing; Data Protection Impact Assessments; and certification.

The UK regulator, the Information Commissioner's Office, will be publishing guidance through its dedicated page, www.ico.org.uk/for-organisations/data-protection-reform/

The ICO has already (in March) issued a document outlining '12 steps to take now', which it identi-

fied as awareness, information held, communicating privacy information, individuals' rights, subject access requests, legal basis for processing, consent, children, data breaches, DP by design, DPO and international.

Ian Bourne, DP Policy Delivery Group Manager at the ICO, said that the ICO's current regulatory style may have to change when the General Data Protection Regulation comes into force. He said "[our] traditional ability to be flexible and business savvy will be under much more scrutiny from other DPAs and the European

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Model Clauses to get 'Schrem'd'

Ireland's data protection regulator has revealed that it is seeking clarification on the legal status of EU Standard Model Clauses as part of its ongoing investigation into privacy activist Max Schrems' complaint against Facebook.

The DPC will seek declaratory relief in the Irish High Court (and a referral to the Court of Justice of the EU) in order to determine the

legal status. Like many organisations that had relied on Safe Harbor, Facebook Ireland entered into a Model Clauses contract with its US parent in order to justify its data transfers to the US after Safe Harbor was invalidated by the EU Court last year.

Max Schrems said: "All data protection lawyers knew that Model Contracts were a shaky

thing, but it was so far the easiest and quickest solution they came up with."

The development puts further pressure on EU/US lawmakers to get the Privacy Shield agreed soon. In the latest action, the European Parliament urged the European Commission to reopen negotiations with US authorities on the Shield. Although

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