



Personal Data Transfers in a 'No Deal' EU exit Scenario



Role of Government

1. Leaving the EU with a deal remains the Government's top priority; this has not changed.
1. The Government has accelerated no deal preparations to ensure the country is prepared for every eventuality - it is the responsible thing to.



How things work today



GDPR and the Data Protection Act 2018 provide a framework for data protection.



GDPR sets out safeguards for the protection of personal data and gives data subjects rights.



The GDPR specifies when and how personal data can be transferred abroad.



UK data protection laws are aligned with EU.



On exit

- 1) GDPR will be brought into UK domestic law. The “UK GDPR” will be separate from the “EU GDPR”.
- 1) There will be no change in domestic standards or in the rights afforded to data subjects.
- 1) In a ‘no deal’ scenario, there will not be an adequacy decision by the European Commission in place on 29 March.
- 1) Action may be needed to avoid disruption to international personal data flows.





Identify your international personal data flows

trading goods = data flows

- delivery details
- order details

trading services = data flows

- outsourced HR, accounts, back office
- partners and resellers

European operations = data flows

- intra company transfers
- offices, branches etc

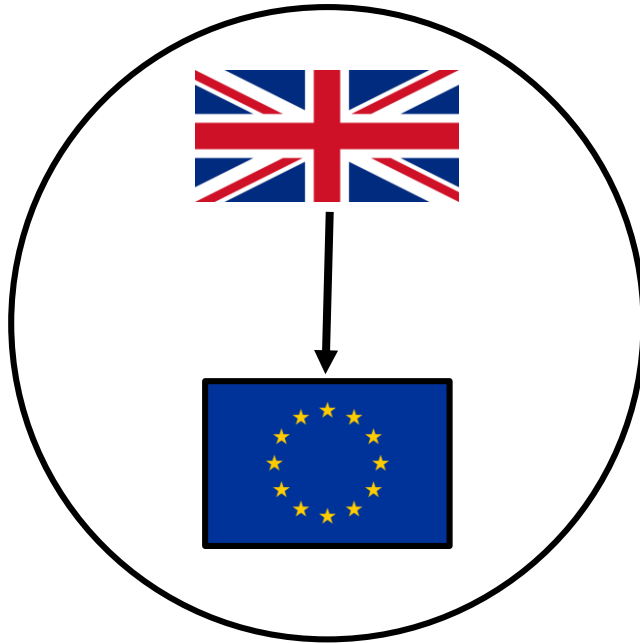
cloud services = data flows

- CRM, help desk
- storage



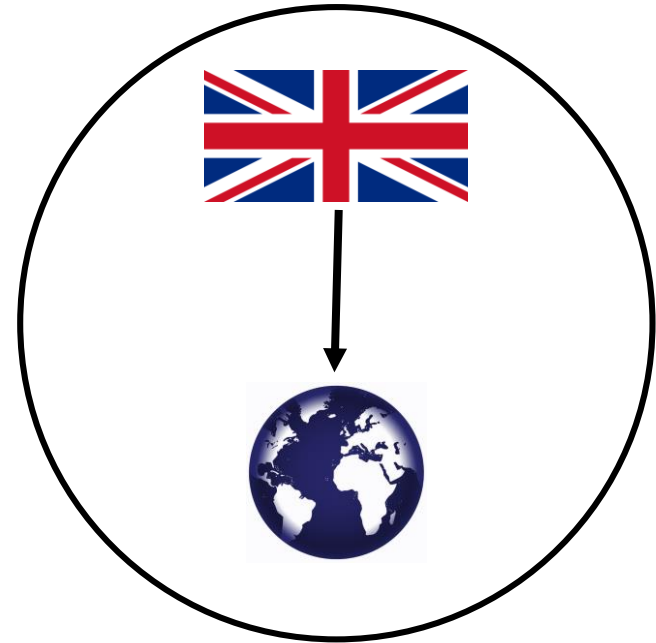


Transfers **from** the UK



Transfers to EEA

Personal data can continue to flow freely out from the UK without restrictions



Transfers to non EEA

Alternative mechanisms needed dependent on country



Transfers **to** the UK

Transfers from the EEA

- Does your organisation receive personal data from the EEA?
- **In a 'no deal' scenario, transfers from the EEA states will become restricted unless appropriate safeguards are in place.**

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 and Israel.
- Look out for further announcements

Transfers from the rest of the world

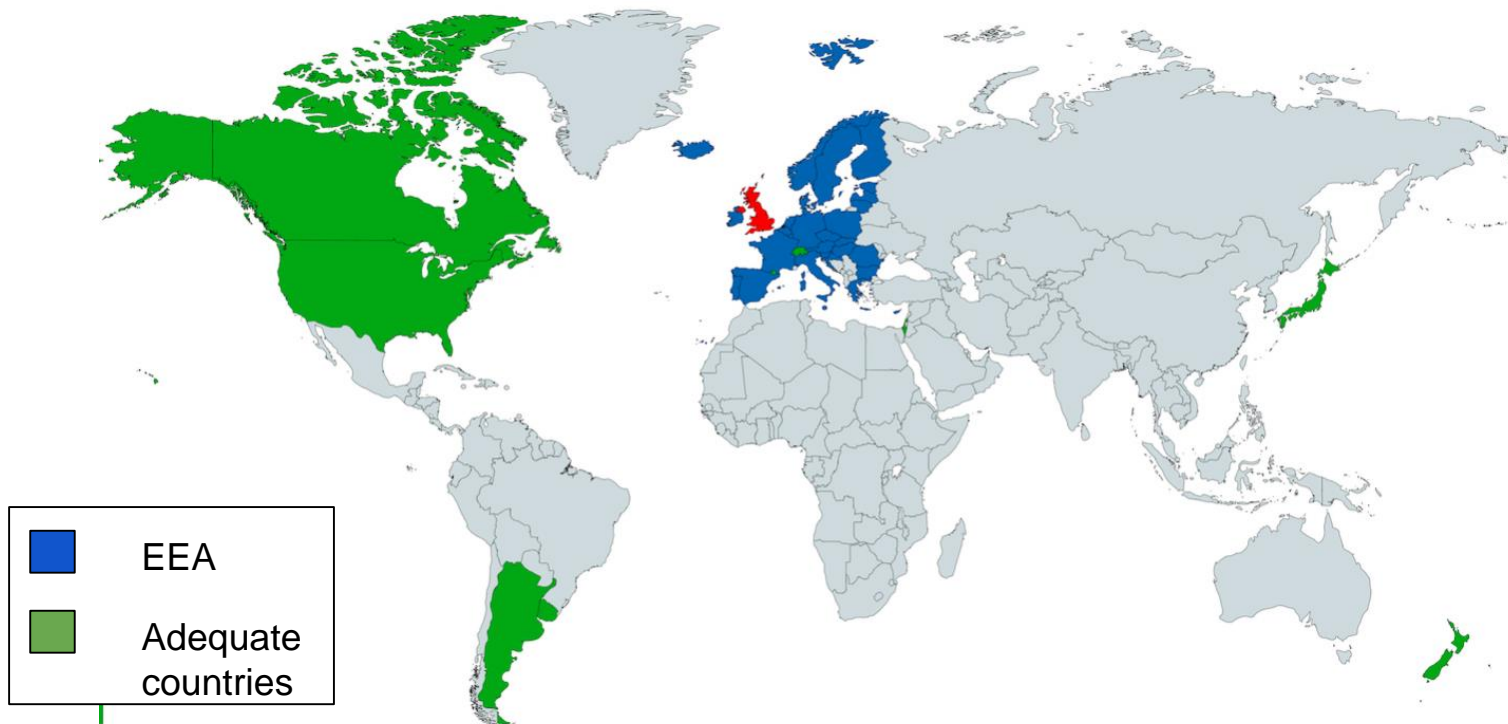
- No change





In summary

- Data transfers from the UK to other countries will continue as before.
- Transfers to the UK may become restricted and may need to be reviewed depending on originating state.





Alternative mechanisms

GDPR Chapter 5 contains provision for the transfer of personal data to third countries or international organisations

Provisions to allow for transfer of personal data include:

- Standard Contractual Clauses
- Binding Corporate Rules
- Vital or Public interest
- Certifications and Codes of Conduct



Further considerations



Providing goods or services or wide scale monitoring of EEA citizens



You may need to appoint a representative in the EEA



Cross border processing



You may need to appoint a lead supervisory authority



How to be data ready

ICO. Leaving the EU – six steps to take

- 1 Continue to comply**
Continue to apply GDPR standards and follow current ICO guidance. If you have a DPO, they can continue in the same role for both the UK and the Europe.
- 2 Transfers to the UK**
Review your data flows and identify where you receive data into the UK from the EEA. Think about what GDPR safeguards you can put in place to ensure that data can continue to flow once we are outside the EU.
- 3 Transfers from the UK**
Review your data flows and identify where you transfer data from the UK to any country outside the UK, as these will fall under new UK transfer and documentation provisions.
- 4 European operations**
If you operate across Europe, review your structure, processing operations and data flows to assess how the UK's exit from the EU will affect the data protection regimes that apply to you.
- 5 Documentation**
Review your privacy information and your internal documentation to identify any details that will need updating when the UK leaves the EU.
- 6 Organisational awareness**
Make sure key people in your organisation are aware of these key issues. Include these steps in any planning for leaving the EU, and keep up to date with the latest information and guidance.

1. Consult the Information Commissioner's guidance, particularly the '6 steps' checklist on what leaving the EU may mean for your organisation.
1. Check gov.uk/euexit and EDPB guidance for further information
1. Where necessary seek advice specific to your organisation



If you have questions about our work, please contact
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QUESTIONS

