

The Future of Data Protection law in the UK 2023/24

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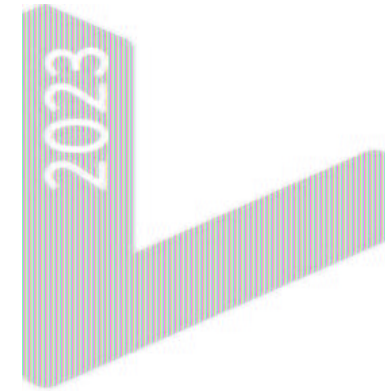
The UK General Data Protection Regulation (UK GDPR)

The Data Protection Act 2018, The Privacy and Electronic Communications Regulation (PECR)



Who are Hope & May?

-  We are GDPR Data Protection Practitioners.
-  We oversee processing activities.
-  We provide advice and guidance.
-  We represent charities as the DPO.
-  We manage data breaches and report them.
-  We form part of a charity's accountability framework and
-  Our work is endorsed by sector leading organisations



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FOUNDATION**
England & Wales

 the association of
charitable organisations

Brexit and the UK-GDPR

What you need to know...

The EU GDPR is replaced with a slimmed down version renamed the **UK GDPR**

Privacy and Electronic Communications Regulation (**PECR**)
(Applicable to fundraising)
The Data Protection Act 2018

International processing and storage (Including storing data);
New requirements are now in place including transfer risk
assessments (TRAs) and UK specific safeguards



International Data Transfers from the UK to any country that is not 'Adequate' (Restricted transfer)

- 🌐 Transfer Risk Assessments
(**TRAs**)
- 🌐 **Addendum**
- 🌐 International Data Transfer
Agreements (**IDTA**)



Government publishes 2nd version of the **Data Protection and Digital Information Bill** which is currently being considered.

(You can follow its progress here <https://bills.parliament.uk/bills/3430>–)

There are many potential changes ...

The new act may diverge from EU Law ...

- 🌍 Is adequacy protected?
- 🌍 Data subject rights
- 🌍 Risk assessments & record keeping
- 🌍 **New complaints procedure**
- 🌍 **Responsible Individual/s**
- 🌍 **Soft opt-in extended to charities**

The Senior Responsible Individual (SRI) (1)

This new mandatory role will require the controller to appoint a named individual responsible for compliance. **The individual must be a senior manager.** The individual will need to register with the ICO and ensure their contact details are in the public domain.

The Senior Responsible Individual (SRI) (2)

Responsibilities include –

Keeping policies & information notices updated

Dealing with incidents and reporting breaches

Delivering data protection awareness training

Advising the charity on its legal obligations and best practice

The Senior Responsible Individual (SRI) (3)

Must remain impartial to the interests of the charity

May seek external/third party assistance in completing such duties

Fundraising – Opt-in or out?

The Soft Opt-in is currently **not** available to charities and political parties. Consent for fundraising is therefore the only option (using electronic means).

Consent must be affirmative, freely given and can be withdrawn at any time.

What is a soft opt-in?

You go shopping and treat yourself to A new outfit. You share your email address with the shop assistant, so they can provide you with a receipt. Over the following weeks you receive marketing emails about similar products. You did not consent (Opt-in) for these communications.

What does this mean in practice?

Any individual who *'expresses an interest in or offers or provides support for the furtherance of the charitable objective'* may be contacted about ways they may support the charity in the future – This being **without their active consent**.

They must be able to opt-out easily!

Things to consider

- 🌍 How will we inform people of this change to avoid misunderstandings? (I didn't consent to this!)
- Will this apply retrospectively?
- 🌍 If it does, how far back might you go?
- 🌍 Does this mean (for example) events data becomes available to the individual giving team?

Thank you!

Please go to hope-may.com to subscribe to our information bulletins or call our helpline for assistance

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Or email us at info@hope-may.com