



2025/6 The Future of Data Protection law in the UK. Part 2

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Who are Hope & May?

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



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The UK is reforming its approach to data protection. In this session we will examine some of these changes and the impact they may have. We will be discussing amongst other matters:

- **Changes to the structure of the ICO**
- **International transfers of personal data**
- **Recognised Legitimate Interests**
- **Digital Verification services**
- **The Soft Opt-in**

The Information Commission of the future

- 🌍 The role of the Information Commissioner will be abolished, the current Commissioner will become chair of the Commission Committee.
- 🌍 It is likely therefore, decisions about enforcement and policy will be made by discussion and consensus.
- 🌍 Currently, The Commissioner frequently exercises his discretion, will this approach change?

International Transfer of personal data

- 🌍 Current UK regime remain unchanged, this includes assessments of risk of the destination country. In the future this will be called the **‘Data Protection Test’**.
- 🌍 However, the way to measure the destination country’s legal position moves from **‘Essentially the Same’ to ‘Not materially lower’**
- 🌍 This is likely to means a country does not need to apply the GDPR for it be be considered a safe jurisdiction. This may concern the EU and therefore the UK Adequacy position

Legitimate Interests that are 'Recognised'

- 🌍 Currently the UK GDPR recognises fraud to constitute a Legitimate Interest.
- 🌍 In the future more will be added. Safeguarding and reacting to an emergency have been suggested.
- 🌍 If the interest is 'Recognised', no balancing test is required.

Digital Verification Services

- 🌐 Will enable you to control and access your personal data more easily.
- 🌐 A range of Apps will provide a **Personal Online Data Store (PODs)**
- 🌐 Government agencies such as **Passport Office, DVLA, DBS and HMRC** will provide data.
- 🌐 Charities and others may be processing less personal data in the future.

Research: changes to Purpose Limitation

- 🌐 Currently the UK GDPR suggests that you may only gather data for an identified purpose (limited).
- 🌐 In the future and specifically for research purposes, you may determine the purposes after the data is gathered.
- 🌐 This will make research yet to be determined, easier in the future.

Assessment Notices issued by the Information Commission.

- 🌐 An Assessment Notice requires you to assess the compliance of a certain circumstance.
- 🌐 In the future you will need to appoint 'An Approved Person' to write the report.
- 🌐 The person will need to be approved by the Commission.

Handling Complaints

- 🌐 Data subject will need to direct their complaint to you before reporting to the Commission.
- 🌐 Ensuring 'Information rights' complaints can be identified will be important
- 🌐 Accountability required; records of when and what actions were taken must be kept.



The Soft Opt-In for charitable organisations

What will be the impact on Fundraising?

What The Data Access Bill says

Any individual who;

‘Expresses an interest in (a purpose or purposes) 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.

What will be your definition of ‘Expressing an interest’

- **Someone saying, ‘Tell me more!’**
- **An affirmative action of some kind (clicking on a link)?**
- **Interaction with your Social Media (a follow)?**
- **Attending an event you have organised?**
- **Using your telephone support services?**
- **Buying something from you?**
- **Becoming a member?**
- **Volunteering?**

How ever you may use this amendment to the law, it will only apply to those that express an interest in the future. You will still be required to use Consent for existing donors.

**Is it therefore an opportunity to review
your approach and your policy on
Fundraising and Marketing?**

What is not changing?

- **The lawful basis**
- **The Principles**
- **The Rights**

**In the meantime, the EU will need to
assess the future of UK Adequacy, the
outcome of which will be known in
June 2025**



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Thank you!

**If you need assistance, please get in touch by
calling**

Our Helpline +44 (0)330 111 0013

Or emailing us

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