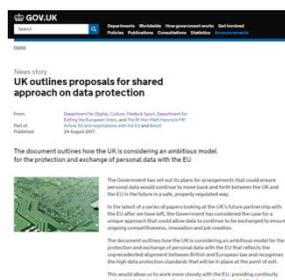


Over the summer months, and since the last GDPR newsletter was issued in April, there has been a lull in developments. However, that lull is now over and, with less than eight months to go until the General Data Protection Regulation becomes enforceable on 25 May 2018, there have been some significant developments.

LEGISLATION

BREXIT Policy Paper



On 24th August, the UK Government published a policy paper entitled:

“The exchange and protection of personal data - a future partnership paper”

<https://www.gov.uk/government/publications/the-exchange-and-protection-of-personal-data-a-future-partnership-paper>

The policy summary states:-

“As the UK and the EU build a new, deep and special partnership, it is essential that we agree a UK-EU model for protecting and exchanging personal data which allows free flows of data to continue between the EU and UK, and provides for ongoing regulatory cooperation and certainty for businesses and other stakeholders.

This should reflect the unprecedented alignment between British and European law and recognises the high data protection standards that will be in place at the point of exit.”

The policy paper indicates that the UK’s Data Protection regime will accord with the GDPR before and after Brexit.

UK Data Protection Bill

On 21st June 2017, the intention to introduce a new Data Protection Bill was announced to Parliament in the Queen’s speech. The purpose of the Bill was described as:-

“To make our data protection framework suitable for our new digital age, allowing citizens to better control their data.”



The Bill was subsequently published and given its first reading in the House of Lords on 13th September 2017. It is expected to become law before the end of the year.

The Bill is complex as it makes provision not only for the application of the GDPR but also the EU Criminal Law Enforcement Directive 2016/680 and how that Directive applies to authorities such as the Police and the Intelligence Agencies.

The Bill also incorporates other processing of personal data not covered by the GDPR, such as unstructured manual personal data processed by public authorities subject to Freedom of Information legislation.

The Bill may, of course, be subject to modification during its passage through Parliament but, from an initial reading, our impression is that it does implement the provisions of the GDPR and seems to have been constructed in a manner that will facilitate the continued application of the GDPR after Brexit.

The Bill can be read at:-

https://publications.parliament.uk/pa/bills/lbill/2017-2019/0066/lbill_2017-20190066_en_1.htm

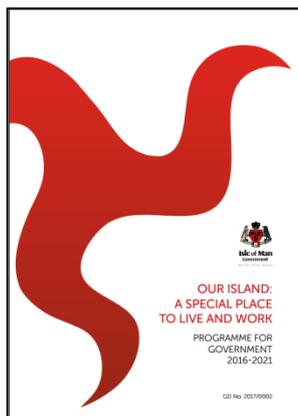
The explanatory notes are available at:-

<https://publications.parliament.uk/pa/bills/lbill/2017-2019/0066/18066en.pdf>

A link to all the associated Factsheets issued by the DCMS can be found at:

<https://www.gov.uk/government/collections/data-protection-bill-2017>

Isle of Man



Programme for Government

“Ensure the Island’s legislative position is equivalent to the EU General Data Protection Regulation by May 2018”

Political Sponsor: Chief Minister

IOM Government intends to use powers within the European Communities (Isle of Man) Act 1973 to apply the provisions of the GDPR to the Island by Order. The intention is then for the Isle of Man Data Protection Act 2002 to be repealed and legislation introduced that will give practical effect to the GDPR, for example, enabling provisions that are required to protect the rights of the data subject and provide for the enforcement powers of the Commissioner.

ADVICE AND GUIDANCE

Isle of Man

In addition to the Know Your Data guidance note and the Accountability questionnaire, we have published two overview documents:-

- 10 things you need to know and do
- New Data Protection Laws Summary

and have recently started to publish a series of guidance notes that take a closer look at different aspects of the GDPR. To date we have published:

- A closer look at Data Protection Officer
- A closer look at Principles
- A closer look at Definitions
- A closer look at Transparency

These are available from our website at:

<https://www.inforights.im/information-centre/data-protection/the-general-data-protection-regulation/steps-towards-compliance/compliance-resources/gdpr-guidance/>

We intend to publish further "Closer Look" guidance notes on:

- Records of processing
- Rights
- Accountability
- Security
- Consent

These guidance notes are likely to be modified and expanded to reflect developments in IOM data protection legislation.

UK Information Commissioner's Office (UKICO)

There have been a number of updates to the UKICO's data protection reform web page:

<https://ico.org.uk/for-organisations/data-protection-reform/>

The Getting Ready for GDPR checklist is a useful questionnaire that steps through the significant aspects of the GDPR. It can be regularly utilised to help gauge compliance progress and can also be used in conjunction with the UKICO's Self-assessment Toolkit.

The UKICO has also established a webpage advising what further guidance to expect and when that may be published. Before the end of 2017, the ICO intends to publish further guidance notes on:

- contracts between controllers and processors;
- children's data; and
- accountability, including documentation.

(A consultation process regarding controller/processor contracts is underway.)

In early 2018, and to accord with Article 29 Working Party advice, the UKICO intend to publish guidance notes on:

- consent, and
- lawful grounds for processing, including legitimate interests

<https://ico.org.uk/for-organisations/data-protection-reform/guidance-what-to-expect-and-when/>

A further webpage has been added which outlines the differences between the GDPR and the UK Data Protection Bill.

<https://ico.org.uk/for-organisations/data-protection-bill/>

Article 29 Working Party

The Article 29 Working Party, which will become the European Data Protection Board in May 2018, has adopted the following guidelines:

- The right to "data portability"
- Data Protection Officers ('DPOs')
and
- The Lead Supervisory Authority

http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=50083

The Art 29 Working Party has a number of subgroups currently working on the production of guidelines covering:-

- Data Protection Impact Assessments,
- Certification,
- Profiling,
- Data breach notifications,
- Consent,
- Transparency and
- International data transfers

OTHER INITIATIVES



IOM Data Protection Forum - Inaugural meeting

The inaugural meeting of the IOM DPO Forum was held at the I-Museum on 14th September. The Commissioner addressed the 80+ attendees at the oversubscribed event.

The initial committee consists of representatives from PWC, Appleby and SMP Partners.

More information about the Forum and a questionnaire about its structure, purposes, etc. will be circulated shortly.

The Commissioner is providing initial administrative support until the Forum is formalised. If you are interested in finding out more about the Forum, please contact us by email, ask@inforights.im, and we will forward your details to the organisers.

Get in touch

If you have questions about the GDPR, or would like to make comments about the content of any of our publications, please [contact us](#).

You can also keep up to date by following us on LinkedIn

 <https://www.linkedin.com/company/isleofmaninformationcommissioner>