

ICO UPDATE FOR SEPTEMBER 2017 MALG MEMBERS MEETING

- The government has published its Data Protection Bill which is currently going through parliament. The Bill will eventually become the new Data Protection Act, which will sit alongside the GDPR. As you may already be aware, the GDPR has direct effect across all EU member states. However, it gives member states some limited opportunities to make provisions for how it applies in their country. The DP Bill contains those discretionary modifications and implementing measures for the UK. Most of the obligations on data controllers are in GDPR itself. However the Bill makes certain UK specific provisions. The GDPR and the Bill will therefore need to be read side by side. The Bill also implements the EU's Law Enforcement Directive, which is a separate part of the EU's data protection reform package, and lays down the data protection rules for the intelligence services (as national security falls outside the scope of EU law).

The Bill also covers the ICO's duties, functions and powers plus the enforcement provisions. Finally, as it will repeal the current Data Protection Act 1998 (DPA98), it makes the changes necessary to deal with the interaction between the Freedom of Information Act/Environmental Information Regulations and the DPA98.

Of course, the Bill is not the finished article and there will no doubt be further amendments, as happens to all laws as they go through Parliament.

More information can be found about the Bill [here](#), and the Bill itself can be read [here](#).

- We continue to work with the FCA, the financial services sector and with the Open Banking implementation entity on the Open Banking project, the implementation of PSD2, and their interaction with the DPA/GDPR.
- Our GDPR guidance on contracts and liabilities between controllers and processors is now out for consultation. The consultation documentation can be accessed [here](#). The consultation closes on 10 October.
- We also hope to have produced guidance on children's data and the accountability requirements (including documentation) of GDPR, before the end of the year.