

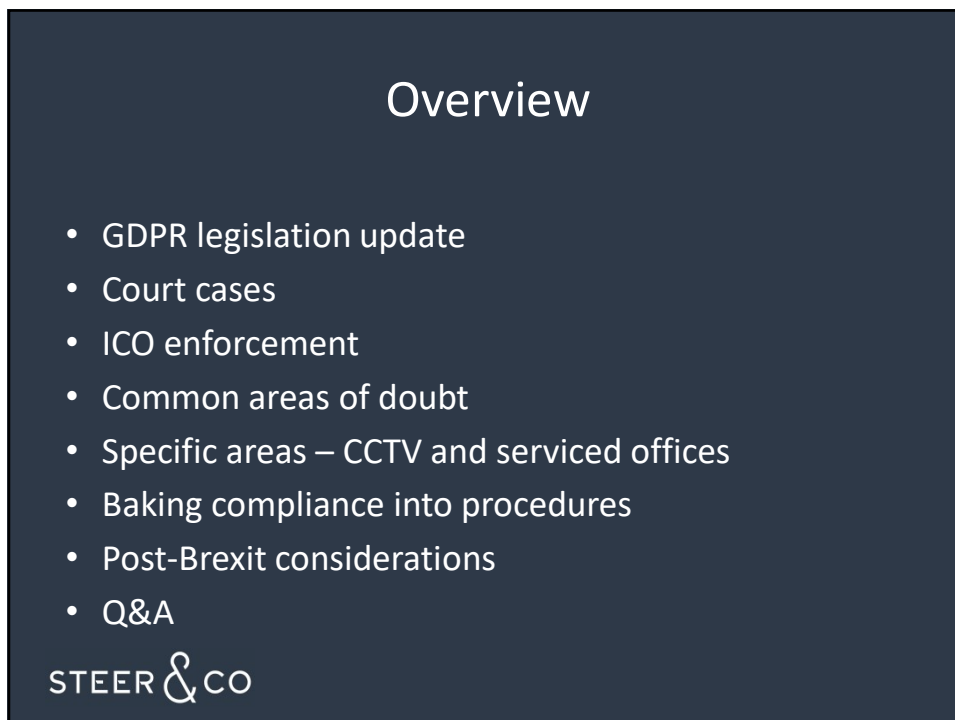


**RICS**  
**GDPR Workshop**

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## Overview

- GDPR legislation update
- Court cases
- ICO enforcement
- Common areas of doubt
- Specific areas – CCTV and serviced offices
- Baking compliance into procedures
- Post-Brexit considerations
- Q&A

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## GDPR legislation update (1)

- The Principles
  - Processed lawfully, fairly and transparently
  - Purpose
  - Data minimisation
  - Accurate
  - Retained for no longer than necessary
  - Security - appropriate technical or organisational measures

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## GDPR legislation update (2)

- GDPR
  - Article 6 (legal bases)
  - Article 13 (detailed information requirements)
  - Articles 15-21 (rights of the data subject)
  - Article 33-34 (notification obligations)
  - Article 83 (fines)
- The Data Protection Act 2018
- Guidance
  - Anonymisation, CCTV, Deleting personal data, Encryption and BYOD

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## Court cases

- *Google v Vidal Hall*
  - Damages for distress
  - No need to prove economic loss from a data breach
  - Floodgates
- *Morrison's "class action"*
  - First example of a "class action" in this space
  - Employers are vicariously liable for their employees for data protection even if criminal actions

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## ICO enforcement (1)

- Equifax
  - 15 million affected data subjects.
  - Inadequate security measures and other breaches
- EE Limited
  - Marketing without consent.
  - "Service messages"
- Honda
  - Messages requesting consent to marketing count as marketing.

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## ICO enforcement (2) – Cyber security

- Increased fines for personal data breaches.
  - Marriott £99 million
  - British Airways £183 million
- Factors
  - Seriousness
  - Number of people affected
  - Type of data
  - Failings of the companies
  - Level of cooperation/mitigation (incident response)

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## Common areas of doubt

- What is personal data?
  - Possible in principle to identify individual
- Controller/processor
  - Determines the purpose and means
  - Distinct from technical “control”
  - Data processor has increased liabilities now
- Anonymising data
  - Motivated intruder test

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## Specific areas – CCTV (1)

- Personal data?
- Legal basis
  - Not relying on consent
- Signage
  - Link to privacy information

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## Specific areas – CCTV (2)

- Permitted to share footage of a crime with the police (not obliged to)
- Sharing footage with other businesses/individuals?
- How long should we store footage?
- Access rights
- Audio
- Security

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## Specific areas – serviced offices

- Handling post for a tenant
  - Calls and voicemails
  - Visitor logs
  - Monitoring
  - Marketing
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## Baking compliance into procedures

- Data Protection Impact Assessments
  - Mandatory if likely to result in a high risk to individuals
  - Useful to improve compliance more generally
- Data Protection Officer
  - Not mandatory for most private sector businesses
  - Independent of management

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## Post-Brexit considerations

- Data Protection Act 2018
- Adequacy decision
- Regulatory divergence inevitable

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## Q&A

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