

UK data reform proposals – our audience responds.

We report the results of our survey on data reform proposals.

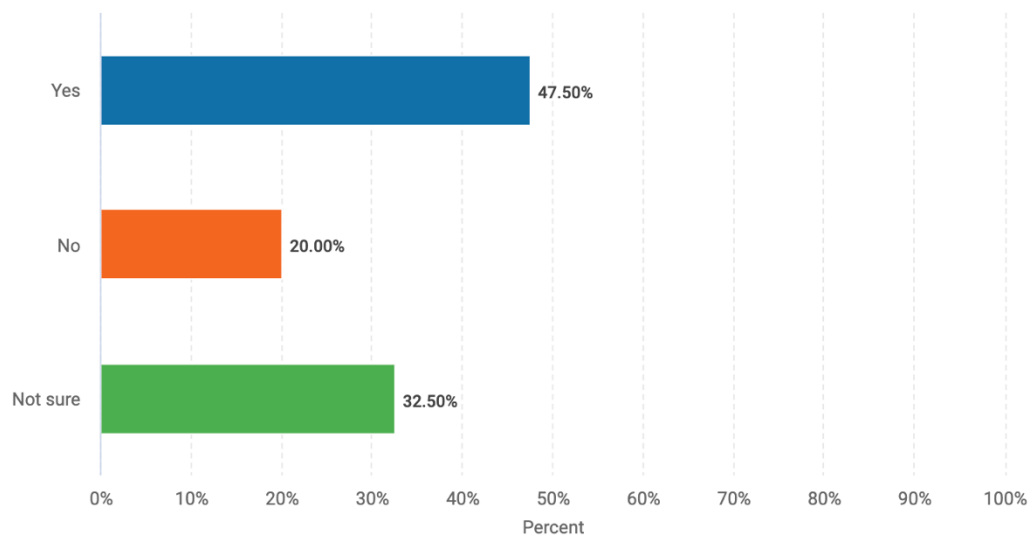
When DCMS published their consultation document regarding the proposed reforms to the data regime in the UK, we decided to ask our readers what they thought. We also discussed the subject on our recent Privacy Question Time webinar.

It’s fair to say that this is a substantial consultation document with many detailed points. If you have the time, it’s worth a read. Whatever your view, it’s been well researched and well written. Having said that some of the proposals are quite radical and, consequently, there are a wide range of reactions to the content.

This article summarises the responses we received as well as the general feedback about the consultation.

First, we asked whether our readers were broadly in favour in the reforms.

Are you broadly in favour of the data regime reform changes outlined in the consultation paper?



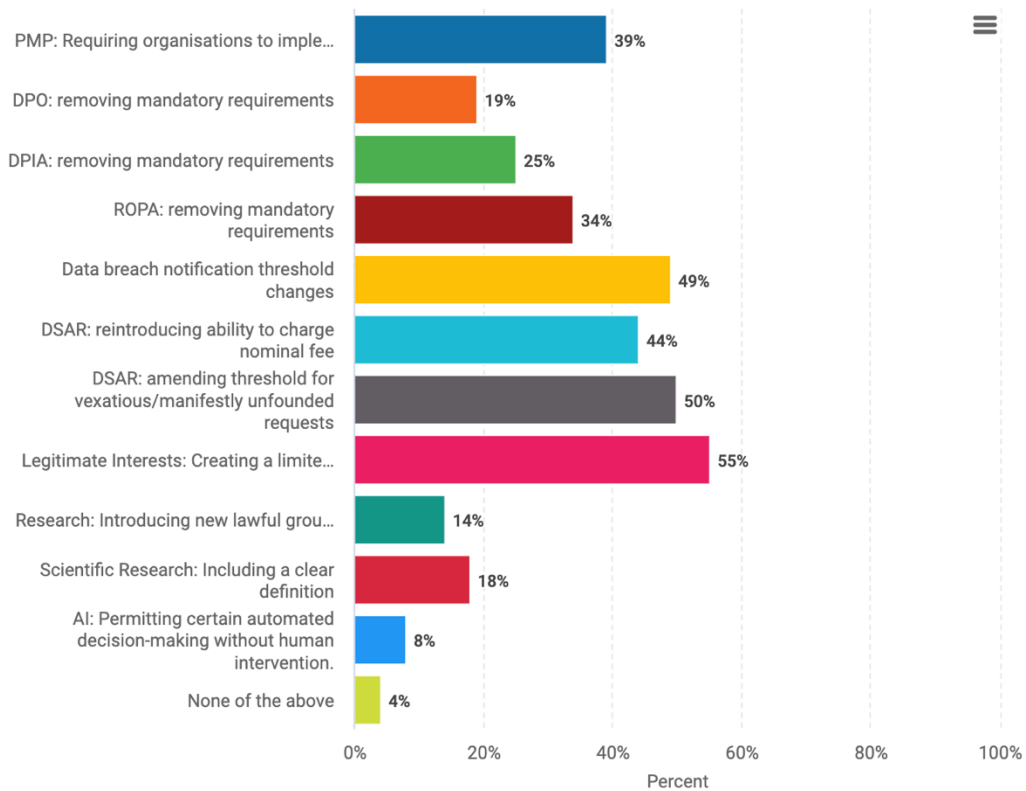
The majority are in favour but there are a significant of respondents who aren’t sure. Quite a number commented that it was a “curates’ egg”. Feedback is categorised as follows:

1. Welcoming a more pragmatic approach and removal of some of the “box ticking”
2. Concern about losing our data adequacy decision
3. Concerns about reducing individual rights
4. A fear that, in some instances, this is change for changes sake

We asked respondents to highlight the four proposed changes that were most welcome.

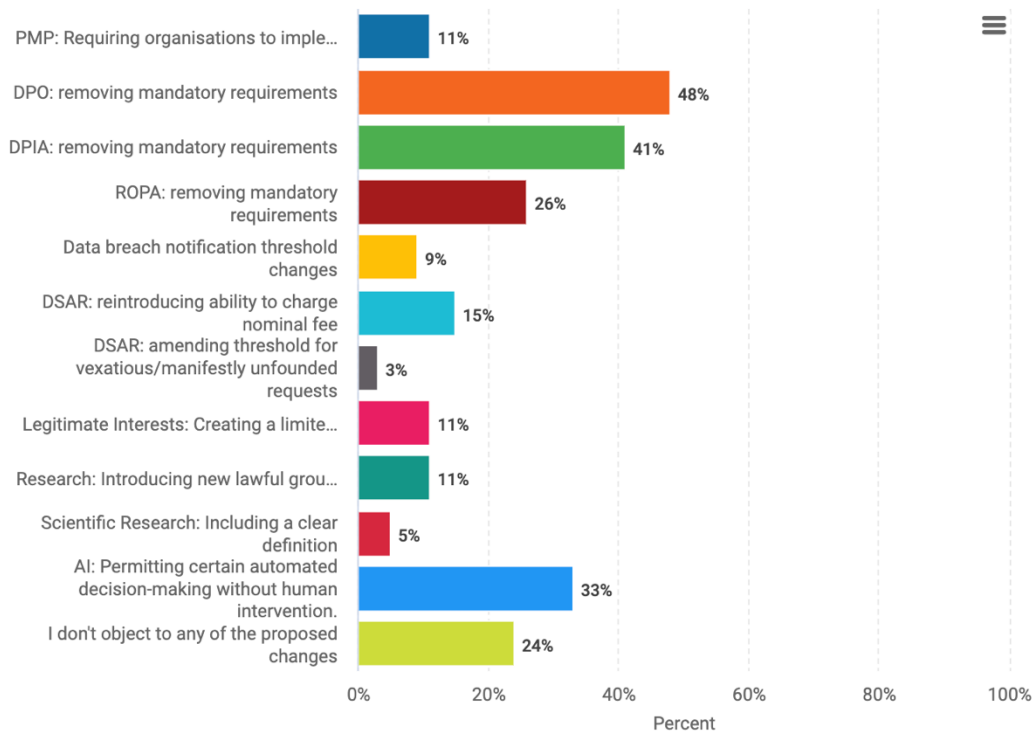
There's a clear pattern here with our respondents keen to remove onerous bureaucratic processes.

In relation to the proposed changes to UK GDPR. Please indicate from the list below up to FOUR changes you MOST agree with:



We also asked respondents to highlight areas of greatest concern:

Please indicate from the list below up to FOUR changes to UK GDPR you most OBJECT to:

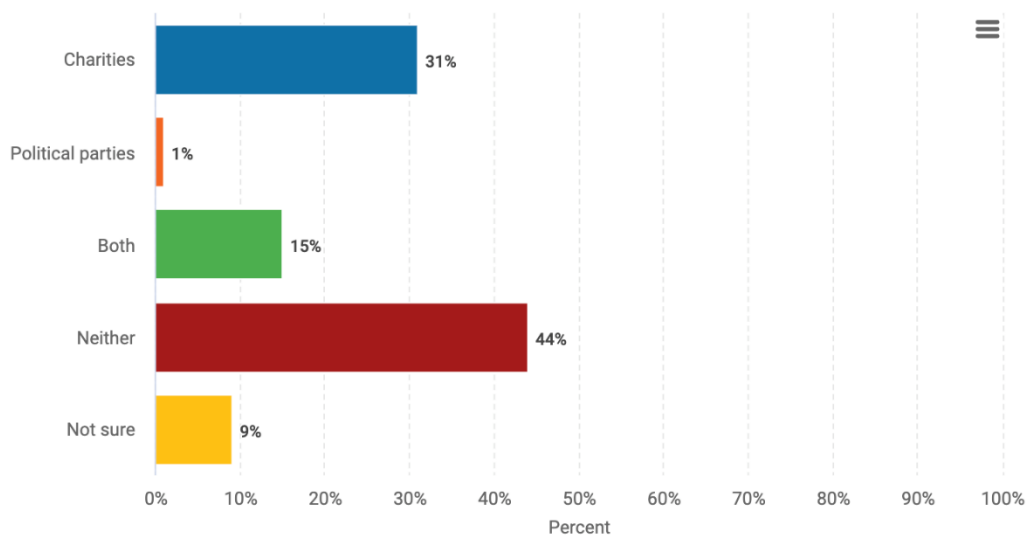


The clear pattern here was one of wanting to maintaining protection of individual privacy rights:

1. Removing mandatory requirements for a DPO
2. Removing mandatory requirements for a DPIA
3. Allowing certain automated decision making without human intervention
4. Removing mandatory requirements for a ROPA

We asked about the proposed changes to soft opt-in in PECR:

The consultation paper also includes proposed changes to the Privacy and Electronic Communications Regulations (PECR). Do you think the ability to rely on the existing customer exemption to consent ('soft opt-in) for email/SMS marketing messages should be extended to the following:



Rather unsurprisingly, there is absolutely no appetite for political parties to be allowed to use the “soft opt-in”. Considering the well documented issues regarding political advertising, this is hardly surprising.

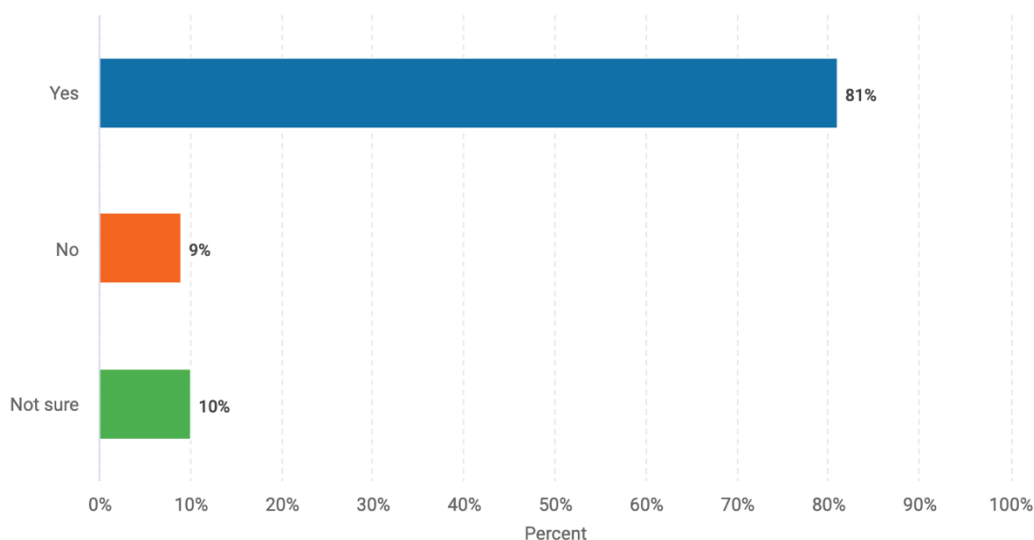
What is rather more surprising is that the majority also believe that charities should also not be allowed to use the “soft opt-in”. This appears to be a hangover from the problems that occurred in 2015 in the charity sector. The view remains amongst many that charities cannot be trusted with personal data.

This is a shame – having had such a torrid time, charities are probably some of the most compliant organisations these days. DPN have many charity clients who are very concerned about ensuring they are compliant.

Finally we asked whether the PECR fines should be aligned with the UK GDPR fines.

This was met with a resounding yes from our respondents.

Do you agree fines under PECR (currently limited to £500k) should be increased to the same level as fines which can be imposed under UK GDPR?



What does this all mean?

DCMS appear to be taking the consultation process very seriously and are engaging with a wide range of interested parties across the sector. There is also a significant level of expertise amongst the policy makers. This is most welcome.

There are clear opportunities for simplifying processes without harming individual rights. However, we and our readers remain concerned about change introduced for the sake of it, as well as the risk of losing our adequacy decision. Either/both of these would result in more paperwork and bureaucracy, not less.

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Contact us: info@dpnetwork.org.uk