

The GDPR and EU/UK data transfers post-Brexit: What's next?

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Structure of session

- Recap on data transfers
- Broad overview
- Data protection
 - International
 - Domestic
- Practical steps



Learning outcomes

Enable you to explain:

- Where we are in the Brexit negotiations
- The data protection landscape after the end of this year
- How this impacts UK and EU companies



Why is this relevant to you?

- Transfer data to the UK
- UK branch
- Offer goods or services to data subjects in the UK/monitor their behaviour

Recap – international transfers to third countries

- Adequacy
- Appropriate safeguards
- Derogations

Overview - 3 phases of the UK's relationship with the EU

1. EU Member State
2. Transition period
3. Post transition period



Overview - Where are we now

- UK is no longer an EU Member State
- 31st January 2020



Overview - Where are we now?

Transition period

- Continuity (exceptions relating to UK representation in EU institutions)
- EU law still applies



Overview – end of the transition period

- (Extension)
- Limited deal
- No deal



Relationship between data protection and future partnership



Brexit and the data protection landscape - International

- EU adequacy decision in favour of UK
- Alignment of standards



Brexit and the data protection landscape - international

Commission - bridging mechanism

Adequacy decision

- Proposal - Commission
- Opinion – EDPB
- Approval of member states
- Adoption by Commission



Overview - domestic view

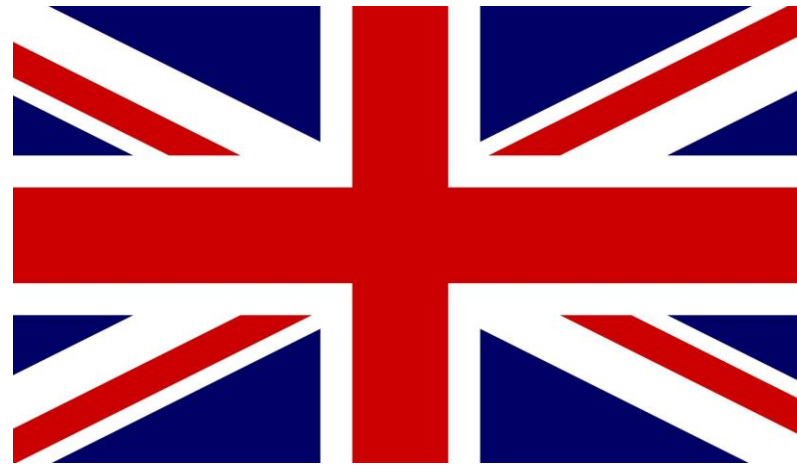
End of transition period

- EU law saved
- Turned into domestic law
- Retained EU law



Brexit and the data protection landscape

- UK GDPR
- Interpretation of UK GDPR
 - Past case law of Court of Justice?
 - Future case law of Court of Justice



How this impacts EU companies

Application of UK GDPR

- Article 3 GDPR
- Established in UK
- Extra-territorial scope



Divergence

- UK GDPR
- EU GDPR



Practical implications - adequacy

- No change – free flow of data
- Appoint EU/UK representatives
- Update contracts, policies and procedures
- Monitor divergence (international transfers mechanisms/case law/guidance/recommendations)



Practical implications - extension

- No change - free flow of data
- Update contracts, policies and procedures



Practical implications – no adequacy



- Appropriate safeguards
- Standard contractual clauses (transfer impact assessment/supplementary measures)
- Update contracts, policies and procedures
- Appoint EU/UK representatives
- Monitor divergence (international transfers mechanisms/case law/guidance/recommendations)

Future developments

- Divergence between UK and EU regimes
- Challenge to UK adequacy?



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Contact details



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