

Software and Apps Data Protection



Key Considerations

- Good deal of legislation in place: different for most countries
- Rise of 'Apps' and widespread use of private details has extended regulation
- Non compliance can be VERY expensive



Applicable Legislation in the UK

1. **UK GDPR – retained version of the EU General Data Protection Regulation 2016**
Contains most of the provisions relevant to UK based businesses and businesses aimed at UK residents
2. **Data Protection Act 2018**
Key definitions and provisions on the processing of personal data by competent law enforcement authorities
3. **Privacy and Electronic Communications Regulations 2003 (“PECR”)**
Sit alongside the DPA and the UK GDPR giving people specific privacy rights in relation to electronic communications, including marketing calls, emails, texts and faxes, cookies and similar technologies



Information Commissioner's Office (ICO)

UK's independent authority responsible for upholding information rights with its website
www.ico.org.uk

Data Protection (Charges and Information) Regulations 2018 require every organisation that processes personal data as a data controller, unless it is exempt, to pay a fee to the ICO

Use ICO's registration self-assessment tool to see if your business needs to be register and pay annual fee, currently between £40 and £60 for most organisations (maximum £2,900)



What is Personal Data?

Any information identifying a data subject (individual in personal or business capacity) directly or indirectly from that data alone or in combinations with other information that is processed or can reasonably be accessed. Examples of personal data (non-exhaustive):

- Name
- Email address
- Postal address
- IP address
- User ID
- Photo (special category data)



Very important you understand GDPR Principles

- Lawfulness, fairness and transparency
- Purpose limitation - specified, explicit and legitimate purpose
- Data minimisation - adequate, relevant, collect and keep what is necessary
- Accuracy - kept up to date, corrected or deleted promptly
- Storage limitation - only keep data for as long as necessary for the purpose
- Integrity and confidentiality - appropriate measures against unauthorised or unlawful processing



Legality...

Consent
Contract
Legal obligation
Vital interest
Public task
Legitimate interest

Transparency, &
Fairness?



Tesco's have cctv,
how are they
letting people know
they are using cctv



How do they tell
people who they
share your data
with?

Steps to be compliant

Create a privacy governance structure

1. What data to collect & protect
2. Where the data will be stored
3. Who has access to the data

Publish your data privacy policies

1. What are your privacy policies
2. Where to publish, e.g. web site
3. Majority of GDPR compliance will be internal facing

Train your team

1. Ensure everyone understand rules
2. Test their knowledge

Maintain compliance

1. Regular tests/ audits of process Deal with any issues promptly
- 2.



Closing hints and tips

- International Data Transfers
- Use safeguards, e.g. only transfer data to countries having similar protections
- Use standard contractual clauses
- If company is not established in the UK, you will need to appoint a UK data protection representative

- Don't underestimate impact of data breaches, one of quickest ways to lose customers

- Brexit – in June 2021 the EU approved 2 adequacy decisions for the EU GDPR and the Law Enforcement Directive (both expected to last until 27th June 2025). This means personal data can continue to flow as it did before Brexit between UK and EU/EEA



Knowledge Base

Information Commissioner's Office <https://ico.org.uk/>

Data Protection & Coronavirus <https://www.lawbite.co.uk/resources/blog/data-protection-and-coronavirus-what-you-need-to-know>

Data Protection Compliance After Brexit <https://www.lawbite.co.uk/resources/blog/data-protection-compliance-after-brexit>

Cyber Attacks - Business liability <https://www.lawbite.co.uk/resources/blog/cyber-attacks-business-liability-for-data-and-cyber-breaches>

ICO Sends Data Warning <https://www.lawbite.co.uk/resources/blog/we-are-watching-you-ico-sends-data-warning-to-smes>

GDPR Compliance <https://www.lawbite.co.uk/resources/blog/gdpr-compliance-customers-data>

