



Data Protection

**UK GDPR
Compliance Action Plan**

Update

January 2021

The following information serves as an update to your existing GDPR Action Plan. These updates are based on clarifications and additions from the ICO since the UK has officially left the European Union (“Brexit”), as at 31st December 2020.

GDPR now UK GDPR

The UK has kept the GDPR in place, however it is now called the UK GDPR and the European countries have a separate EU GDPR. The GDPR as it stood prior to Brexit has been carried over into UK law, and currently there have been no significant changes to the legislation beyond the name. However, the UK is now at liberty to change their legislation, separate to the European Union.

In terms of transferring data between the UK and EU countries, currently the UK has authenticated all EU member states with an ‘adequacy decision’, meaning data can be transferred (though these ‘adequacy decisions’ are always subject to review). The EU is yet to make a decision regarding the UK, but in the meantime, there is a bridging period of up to 6 months where data transfers are allowed, prior to a decision being made. In the event that no ‘adequacy decision’ is made for the UK, transfers from the EU to the UK will need to comply with the EU GDPR transfer rules.

References to the European Union/EEA

We recommend that you go through your existing data protection compliancy documentation and update any references to the European Union to instead state “United Kingdom”, so that these documents remain accurate. You may also wish to change all references to “GDPR” to “UK GDPR” for clarity.

GDPR Action Plan Changes

The below sections of the GDPR Action Plan have been amended – you may wish to copy and paste these new sections into your documentation:

Remote Workers

If you have remote associate team members who work for your company, but reside outside the UK, these may have transfer restriction obligations (note these restrictions do not apply to employees). To find more information on this, visit:

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-GDPR/international-transfers/>

Some countries are covered by ‘adequacy decisions’, meaning the UK government has approved them for transfer of data as they have laws in place that protect individual’s data to the same level as the UK, and thus no additional restrictions apply. The countries currently approved are the EU and EFTA member states, Gibraltar, Andorra, Argentina, Guernsey, Isle of Man, Israel, New Zealand, Switzerland and Uruguay. These adequacy decisions are always under review however, so you should check at the link above before making a transfer.

For countries where the adequacy decision is not in place, you should review the link above for additional safeguards that must be in place in order to make the transfer of data outside the UK.

Working in the Cloud

It is important to be aware that many Digital Service Providers (DSPs) are global organisations and may have servers in multiple countries. If you are using a DSP and the data you are storing is kept on a server outside the UK, then this is classed as an “international transfer”.

To find more information on the rules regarding international transfers, visit:

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-GDPR/international-transfers/>

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For countries where the adequacy decision is not in place, you should review the link above for additional safeguards that must be in place in order to make the transfer of data outside the UK. In general, the main provision which will allow you to continue using the service will be if you have entered into a contract with the DSP and that contract contains UK-approved Standard Contractual Clauses (SCCs). Most companies will indicate on their website if they have appropriate SCCs.

DSPs, and other organisations, may also choose to demonstrate compliance with privacy requirements, including the UK GDPR regulations, by:

- adopting approved ‘Codes of Conduct’
- participating in certification or seal programmes (e.g. possibly the TRUSTe enterprise privacy certification, CIF Code of Practice, or a Privacy Seal),
- achieving a recognised UK GDPR compliancy certification

These steps will be useful to controllers evaluating and assessing processing services for compliance, as well as a part of any mandated data protection impact assessments.

Cloud Services – UK GDPR Compliant Companies

Many companies have updated their GDPR information following both Brexit and the Schrems II ruling. As such, we have updated the sample list of companies with new links:

Company	Has a security certificate or information on their website
www.writeupp.com (Practice management system)	Yes https://www.writeupp.com/security
www.qunote.com (case management system)	Yes https://qunote.com/2019/11/29/is-qunote-secure-and-gdpr-compliant/
www.iinsight.biz/ (Case management system)	Yes https://www.iinsight.biz/privacy-policy
Microsoft	Yes https://www.microsoft.com/en-gb/trust-center/privacy/gdpr-faqs
Dropbox (business version)	Yes https://www.dropbox.com/en_GB/business_agreement
Google (G-Suite, Google Docs)	Yes https://privacy.google.com/businesses/compliance/
Tresorit (cloud storage service)	Yes https://tresorit.com/GDPR
Mailchimp (Newsletter marketing)	Yes https://mailchimp.com/help/mailchimp-european-data-transfers/
Hubspot (CRM platform)	Yes https://www.hubspot.com/data-privacy/gdpr/product-readiness
Skype (Microsoft)	Yes https://www.microsoft.com/en-gb/trust-center/privacy/gdpr-faqs
Zoom	Yes https://zoom.us/gdpr
LogMeIn GoToMeeting (conference calls)	Yes https://www.logmeininc.com/gdpr/gdpr-compliance
IdleServ (domain/web hosting)	Yes https://idleserv.net/privacy-policy
GoDaddy (email/website hosting)	Yes https://uk.godaddy.com/legal/agreements/data-processing-addendum
PracticePal (Practice management system)	Yes http://www.practicepal.co.uk/GDPR/