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SOLICITORS

# Does GDPR still apply to the UK now we have left the EU?

*By David Scott, Head of Employment Law*

Yes, the GDPR has been retained as the UK GDPR. It still imposes data protection obligations on business along with the Data Protection Act 2018.

The key principles, rights and obligations remain the same. However, there are now rules on transfers of personal data between the UK and the EEA.

## **Do you process Personal Data?**

Personal data is information that relates to an identified or identifiable individual, including customers, employees, business contacts and suppliers. Such information could include their name, phone number, address, CCTV images, IP address or a cookie identifier.

You would be processing personal data if you collect, record, store, use, analyse, combine, disclose or delete their data.

## **What do you have to do?**

If you are processing personal data, your business must:

- Comply with the 7 key principles of the UK GDPR.
- Only use the data for the reason it was collected,
- Have one or more of the 6 lawful basis for processing the data.
- Record why and how you are using the data.
- Respect the 8 rights individuals have.
- Have a privacy notice and bring that to the attention of the individuals.
- Notify the Information Commissioner and individuals of certain data breaches.

Your business will have to meet additional rules if it uses personal data for electronic marketing.

Last year the Information Commissioner's Office issued fines of over £3.7 million to companies. Whilst the government have announced that it plans to make changes to the UK GDPR, it may be years before they apply. Until then, it is your responsibility to comply with the UK GDPR.

If you need any help or advice speak to one of our data protection experts on **01904 528200**.

