NEWSLETTER

FEBRUARY 2020

We hope you all had a happy, healthy & safe Christmas and New Year.

2021 definitely got off to bang with the UK entering it's third, and hopefully final lockdown which was another blow for businesses and the economy. Like many we too have been looking at how we can survive following a slow and difficult 2020, but also how we can help our clients reduce their costs complying with data protection whilst maintaining the standards. We'll be providing hints, tips and factsheets on a range of topics to hopefully keep you compliant and some ways in which you could save some valuable time, effort & resource.

In this edition

News * Events * Advice & Editor Opinion

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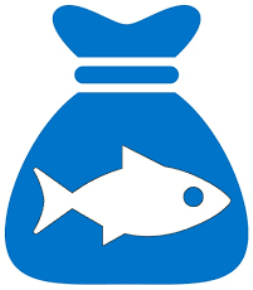
Recent Enforcement Action

December & January Roundup

Seafish Importers Fined £10k



This may sound like a fishy tale — why would the Information Commissioner slap a Seafish importer with a ten thousand pound fine? This is an interesting story and one which took place at the height of the Covid pandemic in March 2020. So far we haven't seen any enforcement action taken against organisations during Covid-19, so this could be the beginning of many.

Seafish Importers Limited, a seafood wholesaler in Norfolk also trade as Fun Stickers Limited and Stickers Express. At the beginning of last year Stickers Express used the contact details of previous customers from their sticker business to market face masks. This resulted in 491,995 direct marketing messages being sent, however as customers of theirs had not consented to this type of product or service and it wasn't a similar product or service previously bought, Seafish Importers (as the parent company) were found in breach of regulation 22 of the Privacy and Electronic Communications Regulations (PECR). The penalty notice issued also refers to the privacy notice on the website of Fun Stickers which made no reference to Seafish Importers, being the parent company and therefore the data controller.

This is an unfortunate tale whereby a small business saw an opportunity to diversify their offerings and naively utilised the personal data which they had already collected, albeit for a different purpose. The privacy notice's available were misleading as Fun Stickers Limited made no reference to Seafish Importers, however Sticker Express, another trading company did refer to Seafish Importers and explained how personal data would be used by other companies within the group. None of the registered companies, or trading affiliations were registered with the Information Commissioners Office, another breach given the amount of personal data being processed by the businesses.

Our tips and advice on this, in hindsight for Seafish Importers, and any other business which maybe thinking of diversifying, or is undertaking similar practices.

- Ensure your Privacy Notice is clear, easy to understand and explains how your business and organisation is structured and how data may be shared and used
- Register with the Information Commissioner and ensure you have paid the correct fee for the size and type of business you are
- Remember that the processing of personal information requires compliance with the UK's GDPR but when marketing electronically you also need to take into account the Privacy and Electronic Communications Regulations (PECR)

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Recent Enforcement Action

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Employee convicted, fined and given suspend prison sentence for misuse of Personal Data

An employee in the motor industry was personally prosecuted for passing personal information of service users to an accident claims management service without permission from her employees, but more importantly without the consent of the customers who's personal data was being harvested. The charge laid against the accused employee was Conspiracy to Secure Unauthorised Access to Computer Data and to the selling and profiteering from that personal data. The accused, unlawfully compiled lists of road traffic accidents which included the personal details of those customers and passed the information to an accident claims management service who then followed up to sell their claims service. Both the accused and the recipient of the data at the claims service were convicted with 8 months imprisonment, suspended for two years, 100 hours unpaid work and £1,000 costs each. A confiscation order in the proceeds of crime was also issued to recover £40,000 made from the exchanging of data and the services that were carried out as a result. Failure to repay the amount, could mean that both face three months imprisonment without suspension.

Some employees incorrectly think that it would be their employers who would face any penalty or enforcement action as a result of their actions, should compliance to the Data Protection Act not be met or broken. There are cases where the employer could be held liable for the actions of employees, however in this case both parties (those who were accused and convicted) acted with intent and conspiracy to profit from the personal information entrusted to that organisation. It's sometimes forgotten that data protection is a law, just the same as any other law, and if broken intently, those culpable will face legal action, whether that be a business or an individual employed by that business.

It is so important to ensure your employees know their responsibilities and the consequences of not following your internal policies and procedures which act as a control to the risk of non compliance. If the employer, in this case had failed to operate adequate controls, such as training, having policies and processes in place and security measures to protect personal data, they too could have received enforcement action.

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Data Protection Updates & News

February 2020

The ending of the UK / EU Transition Period

In the run up to the end of 2020 there was much speculation around the EU & UK parting ways under a black cloud, without a trade deal and everything would grind to a halt as soon as Big Ben had bonged on New Year eve. Fortunately for the transfer of personal data into the UK and other elements of the GDPR & Data Protection laws, a bridging period has commenced allowing the UK & EU to continue process personal data in harmony. This is only a temporary arrangement whilst the UK & EU agree on the terms, to ensure adequate safeguards are in place now the UK can create its own laws. The risk to the EU is that the UK will diverge from the EU's GDPR, posing risks to the citizens of the bloc.

The 'bridging' period is now in effect until the end of April 2021, if an agreement can be reached those (if any) changes will need to be made by businesses receiving data from the EU in order to keep data flowing into the UK. If, by the end of April an agreement isn't reached, a further period of 2 months will be given (until the end of June 2021). This all seems familiar, with transition periods, agreements being reached and extensions. So it's a case of watching this space! And keeping up to date with the developments.

We have added a section to our FAQ's page on Brexit and the current bridging arrangements. There are also some top tips in terms of what you need to consider now with regards to the ending of the transition period and Brexit. Click here to take a look, we'll add more updates as and when decisions have been made, so why not save the page as a bookmark or favourite.

Police lose 400k records of personal data

You would like to think that the safest organisation to process your personal information, some of which would be sensitive and criminal information would be the Police service. Wrong! In recent months a number of police records have been lost from the Police National Computer (PNC) which include records relating to offences, arrests, fingerprints and DNA. A recent report has uncovered that originally it was thought to be approximately 150,000 records, when in fact it's nearer 400k records that have been lost. The issue was reported to have been a technical error which deleted a number of records however later reports from the home office explained the incident was due to human error. IT engineers are now trying to retrieve and recover the data, which will need to be a careful operation to ensure the right information is attributed to the right person.

Whilst it's positive that the records haven't got into the wrong hands (exposing personal information to criminals), the impact of losing this vital information is the concern. Information and data that could be used to prosecute the most dangerous criminals, or prove someone's innocence— it highlights the lack of controls and how even our Police service and other public services don't always follow the regulations or guidance to prevent mistakes, technical or otherwise from happening.

We will be publishing a report on the amount of breaches & cyber security incidents that were reported to the ICO in the last half of 2020, the Education sector and Local Authorities are amongst the worst offenders. Look out for our posts on social media over the next few weeks.

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ICO Updates

February 2021

Data Sharing Code of Practice

The Information Commissioner has published a new Data Sharing Code of Practice. The code, and a suite of new resources provides practical advice to businesses and organisations on how to carry out responsible data sharing.

In the age of digitalisation more and more services & products rely on data sharing, between platforms, clouds and devices. Businesses who are exploring new technology and products which rely on the sharing of personal information must ensure they are compliant with Data Protection laws. The first exercise any business should do in this space is a Data Protection Impact Assessment (DPIA). This assessment will identify risks and will ensure you consider the right elements of the laws, using the new resources and guidance issued by the ICO.

We'll be looking into the tools that the ICO have provided in more detail over the coming weeks, giving some practical advice on how best to use them.

ICO's forward looking plan for 2021

It was thought that 2021 would earmark the departure of Elizabeth Denham, the current Information Commissioner for the UK. The usual term for a Commissioner is 5 years, which it will be on her anniversary in July, however due to Covid, Elizbeth Denham has agreed to continue her role until October 2021 to ensure time is given to find a replacement.

The immediate focus for the ICO is, as you would expect supporting organisations through the impacts of COVID-19. The ICO have prioritised advice and support on data protection related aspects of the pandemic and adjusting to the challenges the country face, ensuring the protection of peoples rights and making sure data protection is considered at the early stages of any innovations to combat the virus or control the pandemic.

With exception to the work required to support the country during the pandemic, the ICO will be focussing on the Age Appropriate Design Code, a new code to ensure digital content is appropriate for children. Data sits at the heart of the digital services children use every day. From the moment a young person opens an app, plays a game or loads a website, data begins to be gathered. Who's using the service? How are they using it? How frequently? Where from? On what device? That information may then inform techniques used to persuade young people to spend more time using services, to shape the content they are encouraged to engage with, and to tailor the advertisements they see. More information on the transition to the new regulations will be announced.

Other areas of work in 2021 will include supporting organisations on political campaigning, facial recognition and the necessary codes of conduct and certification scheme.

So overall, another busy year with some changes and more granularity around parts of the GDPR & Data Protection Act, now the overhauled laws have been with us for almost 3 years.

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International Data Privacy Day

February 2021

Thursday, January 28th 2021

A date which is no doubt etched in your memory and after New Years day, the next big event in the calendar. International Data Privacy Day (its formal title) occurs on the 28th January every year and is designed to promote the importance and raise awareness of privacy & data protection best practice. We think that whilst an internationally recognised day in the calendar helps with awareness, best practice should be adopted 365 days of the year and a continual programme of awareness for businesses and employees is imperative to remind people of the importance of getting data protection right. So whilst this years annual IDPD has passed us by with the odd post on Linkedin and the Google homepage celebrating it through it's logo banner, Beacon will be extending the awareness campaign throughout the year, so look out for our factsheets, video's and blogs to keep data protection at the forefront of peoples minds.

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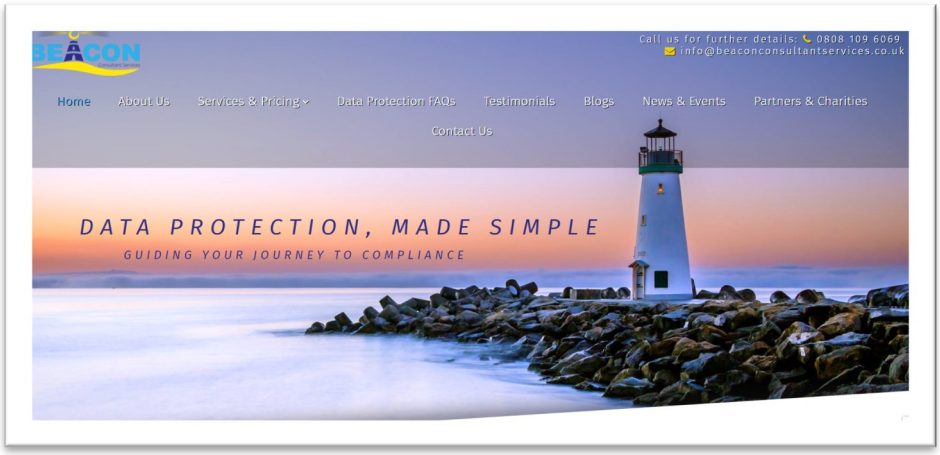
Beacon Updates

February 2021

Out with the Old.. In with the New!



Like many businesses the New Year brings a new sense of purpose and makes you take stock of the previous year, what you achieved and how things could be done better. At Beacon, we're no exception and we've listened to feedback from our customers and clients over the year and there were two areas that we needed to focus on more. The first was a simpler pricing structure and the other was the flow of information on our website—it just didn't flow! So during the Christmas slow down we kept on going and redesigned and rebuilt the content on our website together with putting together a more streamlined pricing structure and product offering. We hope you like! You can click the image above to visit the website.

Teaching the World to be Compliant

With the huge number of people who were either furloughed, made redundant or were looking for a different type of job recently we held free 1 hour training sessions throughout December & January on the basics of data protection & the GDPR. We had a great response and added more sessions than originally planned to cope with demand. The training sessions were great, to have so many people wanting to find out more about data protection either to brush up on the topic for a job interview or see whether their business was complying with the law. We had lots of great feedback and comments, here are a few soundbites from the feedback:

"They managed to make quite a boring and complex topic agile and comprehensive!"

"The content overall was very relevant and informative, it gave me a good all round knowledge of what I need to be aware of"

If you would like more information on our training services, visit our website here

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Beacon Updates

February 2021

Helping Local Ladies Rugby Charity

We always like to help local charities and recent events have made us want to do so even more. In December we helped support the Hardwicke & Quedgeley Harlequin Ladies Rugby team raise enough to provide local families with a food parcel for at least 5 days during the Christmas period. We donated selection boxes to help bring a smile.

We are always interested in hearing how we can support a local, or national charity. If you know of a charity or are involved in one who could benefit from our help, then get in contact with us.

Exhibiting in a Virtual World

We're no strangers to exhibiting our business at trade fairs, exhibitions and forums but until now it's been in person, meeting and greeting people at a stand, having a good conversation with them over a coffee and bagging some free goodies from the other stalls! Obviously these types of events were put on hold and there is no sign of them restarting in the near future, so we've bitten the bullet and are going virtual. Our first online expo is at creatively named '5554 Virtual Expo' which is being held on Thursday 25th February. It would be great to see as many people there as possible, so if you're interested in attending, take a look at the 5554 expo site.

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Editor Writes..

Data Protection and the privacy of others has never been greater. With technological advances and data seen more as currency than just information we will see that data protection and the security of information will be spoken about more at board meetings, hopefully for the right reasons and not as a result of a data breach.

2020 was a strange year for us all, but hopefully we have taken a number of positives away from the pandemic, whilst never forgetting the tragic deaths this virus has caused, not just in our own country but across the world.

Whilst we have all been preoccupied over the last year and focussing on new challenges, the need to protect personal data continues. With the General Data Protection Regulation approaching it's third year anniversary this year, if you haven't already it's definitely time to review your process, policies and actual business practices. There are lots of things to consider, and new ways of working is one of them. With more people working from home, away from distractions of the office but with more risk of causing a breach, are your policies and processes reflective of the new world of business and do your employees know how to protect personal information outside of the office environment?

As we at Beacon always say, training and awareness is key to maintaining compliance. Some of the news articles in this edition highlight that in a number of ways. Policies & processes which were written three or even four years ago may not be accurate or reflective any longer, training and awareness that was delivered more than a year ago will have been forgotten and the regulations change as the world evolves.

The usual reason for complying with data protection laws is the potential fine of up to £17.5m or 4% of your annual group turnover and the operational headache it causes when a breach occurs. That will always be the worst case scenario but businesses should treat data protection as high on the agenda as health & safety or the security measures adopted around the finances.

We hope you have a prosperous and fruitful new year and stay data safe!

Meet the Team

JAMIE SWAN PC.DP

Specialising in Data Privacy law, Jamie has worked with blue chip organisations, serving millions of customers to implement their GDPR programme. Jamie has also supported organisations to understand the implications of Brexit on data protection, ensuring appropriate mechanisms are in place to maintain compliance, aswell as helping companies to change cultures and bring their Data Protection compliance up to standard.

PETER BERRY PC.DP

Peter's main area of expertise is regulatory compliance, working with some of the largest energy suppliers and generators in the UK. He is a member of a number of industry working groups and committees, advising on regulation, including data privacy.

He is a qualified business coach, and this helps to embed a culture of compliance rather than black and white rules enforced on people and organisations.