

Personal data: planning for Brexit

Privacy Advisory & Legal Services



A Brexit deal would maintain today's regulatory environment until the end of 2020, giving you time to mitigate the impact of Brexit on your personal data processing. But if there's 'no deal' you will need contingency plans on Day One.

In a no deal scenario, watch out for...

Regulatory risk

Doubts remain over future interaction between UK and EU regulators and whether the UK will be deemed 'adequate' as a third country.

Third party risk

Suppliers and contractors updating services and contracts and inadvertently transferring data to or from the EEA in contravention of changed rules because of a no deal.

Lost business

Customers and suppliers may want to deal exclusively with organisations inside the EEA to limit their risk in such an uncertain situation. That could mean UK firms missing out.

Rising costs

Businesses are relocating activities to the EEA to avoid non-compliance. Political uncertainty means firms are forced to mobilise contingency plans quickly. Updating legal contracts adds more cost pressure.

6 Questions you need to ask in a no deal scenario



Which location?

Do you change how, and where, you are based to benefit from regulatory efficiencies and mitigate regulatory risk?



Sufficient governance?

Do you have the right – and sufficient – governance structures in place, particularly data protection officers? You might need to appoint and register more staff in both the EU and UK.



Legitimate transfers?

With no decision yet on adequacy, do you have the right mechanisms to legitimise your cross-border data transfers? Mitigation might include Model Contract Clauses or Binding Corporate Rules, but these can be time and cost intensive.



Another review?

Having already reviewed third-party contracts to comply with GDPR, do you need to do it all over again? Any that involve transfers between the EU and UK will be in scope.



New consent?

Can UK businesses relying on consent in processing EU personal data continue to do so after 'no deal' or will they have to ask subjects again? If not, you will need to update notices and consent requests.



Which regulator?

Have you thought which EU regulator you will nominate as your lead supervisory authority if the UK's ICO is no longer your one-stop shop? Regulatory interactions will become more complex as you manage both the ICO and an equivalent in the EEA.

How we can help:

No matter the type of Brexit, nor the scale of operational and structural changes your organisation makes as a result, you should assess the risks to your personal data flows and wider privacy arrangements and have a plan in place for minimising your privacy risk exposure.

KPMG can help you, as part of a full Brexit readiness assessment or as a focussed review, to understand your privacy risk exposure.

In conjunction with our legal services team, we can help you assess the need for contract remediation and support you with the remediation exercise.

We will help review your contracts so you have are able to keep transferring data lawfully.

We can work with you to find pragmatic solutions for now and the future that minimise the impact on your customers but help you meet your privacy obligations.



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Mark has created privacy and GDPR compliance programmes for a number of household names in sectors including retail, TMT, pharmaceuticals, manufacturing, government and financial services.

He regular appears in the press and on conference platforms and has co-authored privacy thought leadership magazine articles.

Mark has served on a range of industry and advisor committees; he is currently on the International Association of Privacy Professionals European Advisory Board.



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Over the past 18 months, Francesca has focused intensively on the impact Brexit will have on data transfers and data protection and has become our go-to-person for advice on the data privacy actions businesses need to take to be Brexit ready.

She has worked with an extensive list of clients across financial services and the corporate sector and has been engagement manager for a wide range of GDPR-related projects.



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