

Because legal matters

Data Protection & Cyber Security Newsletter: Summer 2024

Welcome to our Newsletter where we focus on the most recent developments in data protection and cyber security. We analyse the potential impact on your business of recent Information Commissioner's Office ("ICO") guidance, such as its approach to AI governance; we consider the implications of the *ICO v Experian Limited* decision on organisations and individuals; and, we provide guidance on your business' use of biometric recognition systems in conjunction with data protection obligations.

Should you have any queries in relation to the below articles, please do not hesitate to get in touch with us.

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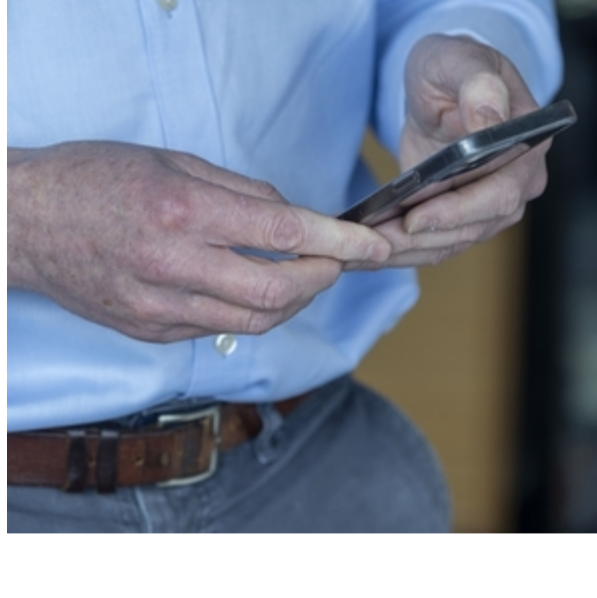
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Personalised advertising "consent or pay"

Businesses using a model that offers individuals the option to either pay to gain access to their online service, or else consent to the processing of personal data, should exercise care following recent views from the EDPB and ICO.

In this article, we explore three important items for businesses to consider.

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Biometrics in Business: What you need to know

Are you using biometric recognition systems lawfully? Biometric data is "special category" data with higher standards to meet for processing purposes.

Valerie Armstrong-Surgenor and Melissa Hall discuss what businesses need to consider in ensuring compliance with data protection laws when using these systems.

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Regulating AI in the UK: The data protection perspective

For businesses involved in the development, deployment, and use of artificial intelligence, we outline how the ICO's approach is driving forward the five AI principles and guidance set by the UK Government.

Take care to understand the principles and you will likely achieve compliance with the UK's data protection regime.

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ICO unsuccessful in latest Experian appeal

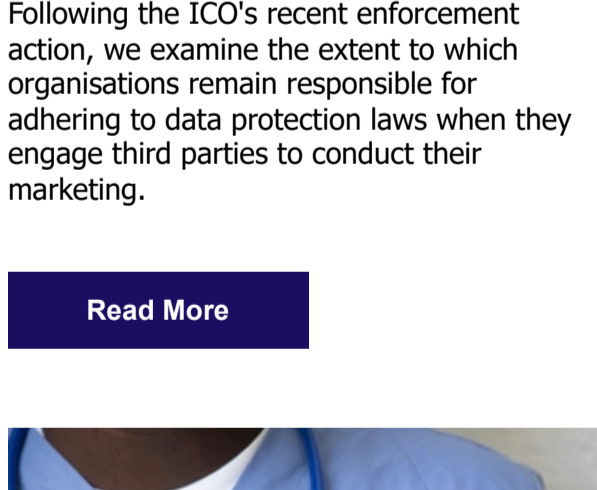
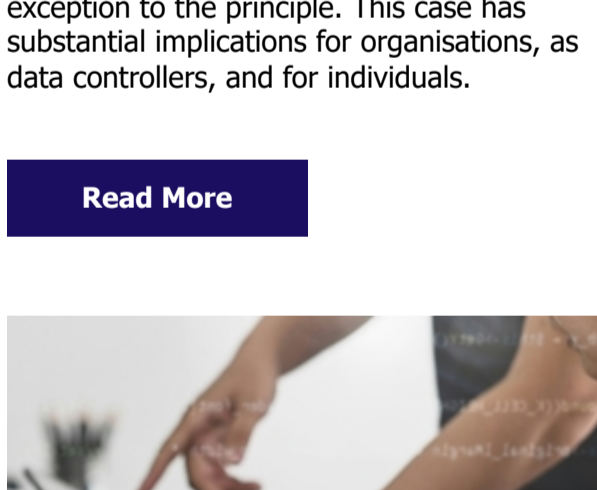
The latest decision in the case of *The Information Commissioner v Experian Limited* confirms that the transparency principle under the GDPR can only be satisfied on a case-by-case basis. There is no prescribed principle, nor the exception to the principle. This case has substantial implications for organisations, as data controllers, and for individuals.

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Outsourcing marketing and communications: Avoiding risks and ICO enforcement

Following the ICO's recent enforcement action, we examine the extent to which organisations remain responsible for adhering to data protection laws when they engage third parties to conduct their marketing.

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New ICO guidance: Transparency in Health and Social Care

We discuss the importance of transparency when sharing personal data within the healthcare sector and present an overview of how and what information organisations should provide individuals with when their personal information may be used.

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New ICO Fining Guidance: A step towards clarity

We examine the additional three considerations outlined in the ICO's recent guidance, in addition to the ones specified in the UK GDPR which the ICO considers when determining whether to impose administrative fines. The emphasis is on the ICO's individualistic approach to notices and fines, and as a result, we highlight why businesses must ensure their compliance with the UK GDPR and Data Protection Act.

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