

CITY OF LONDON LAW SOCIETY DATA LAW COMMITTEE
(THE “COMMITTEE”)

Meeting Date 6 February 2020, 8.30am

Location Herbert Smith Freehills LLP

Present Jon Bartley, RPC LLP, Chair (by phone)
Luke Dixon, Addleshaw Goddard LLP
Miriam Everett, Herbert Smith Freehills LLP
Cynthia O'Donoghue, Reed Smith LLP
Sam De Silva, CMS Cameron McKenna Nabarro Olswang LLP
Rhiannon Webster, DAC Beachcroft LLP
Kate Brimsted, Bryan Cave Leighton Paisner LLP (by phone)
Ross McKean, DLA Piper (UK) LLP (by phone)
Jonathan Kirsop, Stephenson Harwood LLP (by phone)

Apologies Giles Pratt, Freshfields Bruckhaus Deringer LLP
Eve-Christie Vermynck, Skadden, Arps, Slate, Meagher & Flom LLP
Rebecca Cousin, Slaughter and May LLP
Tim Hickman, White & Case LLP
Jonathan McDonald, Charles Russell Speechly LLP

1. **WELCOME**

The Chair welcomed all in attendance to the meeting of the Committee.

2. **APOLOGIES**

It was reported that apologies from the individuals identified above had been received.

3. **PREVIOUS MINUTES**

3.1 All present confirmed they had received a draft copy of the previous minutes.

3.2 The Chair confirmed he had received comments for inclusion in the final draft which, will be taken into account prior to circulating the final minutes to the Committee.

4. **ICO CONSULTATION ON DATA SUBJECT ACCESS RIGHTS**

The Chair noted that the deadline for responses for this consultation was 12 February 2020 and reminded all members of the committee to submit their comments for inclusion in the wider Committee response as soon as possible.

5. **FURTHER ICO GUIDANCE AND CONSULTATIONS**

5.1 The Committee discussed the following ICO guidance and consultations:

Direct Marketing Code

5.2 The Chair noted that the ICO's revised Direct Marketing Code had been published. There have been no substantive changes since the previous version, and there appears to be no reference to the uncertainty around PECR or any new Regulations in this area. The Committee agreed that it was likely that a revised code would be published following the publication of new Regulation in this area.

5.3 The Committee agreed that this version of the code was more useful for businesses, as it was more aligned with a practical perspective and current business practice in this area.

Accountability Toolkit

5.4 The Chair noted that the ICO's accountability toolkit had not yet been published, and that this was expected to be published during the first quarter of 2020.

Consultation on Explaining AI decisions Guidance

5.5 The Chair noted that this consultation had now closed. The Committee agreed to review the outcome of the consultation and then consider whether this is an area that they would like to explore further.

5.6 There was a discussion on AI and the issues arising in practice for members of the Committee in this area.

6. **NEW MEMBERS**

The Chair proposed that Eve-Christie Vermynck be admitted as a new member of the Committee; the Committee agreed that Eve-Christie Vermynck should be admitted.

7. **CITY OF LONDON LAW SOCIETY CHAIRS' MEETING**

7.1 The Chair updated the Committee on the discussions at the City of London Law Society Chairs' Meeting, at which there was a wide ranging discussion.

7.2 The Chair noted that some other committees were considering hosting events for junior lawyers. The Committee agreed that they would consider hosting such an event for junior data lawyers, and if so, what style of event would be most productive.

8. **DATA TRUSTS**

8.1 Members of the Committee discussed that they had attended a meeting on data trusts, and that there have been a number of reports from the Open Data Institute which the members had reviewed.

8.2 The Committee discussed their views on data trusts and agreed to keep the various initiatives under review, but that the Committee was not yet in a position to take any action in this area. The Committee discussed engaging with other like-minded organisations on this topic in the future.

8.3 The Committee agreed that those members who were involved with Data Trust initiatives would attend further meetings and provide an update on the relevant initiatives at the next meeting of the Committee.

9. **INSURANCE EUROPE POSITION PAPER**

9.1 The Committee discussed the Insurance Europe Position Paper "*Response to EC new questions to inform the preparation of the evaluation & review report of May 2020 on GDPR application*".

9.2 In particular, the Committee discussed Insurance Europe's position that EDPB guidance often goes further than the GDPR, and that such guidance appears to place further obligations and restrictions on controllers.

9.3 The Committee further noted that some Member States are taking a restrictive view of the legitimate interest basis for processing, and that the EDPB is planning to publish guidance on this topic this year. The Committee agreed that it would review this guidance when it is published.

10. **ANY OTHER BUSINESS**

There was no other business for the meeting.