

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

Date:	16/05/2024
Location:	The offices of Pinsent Masons at 30 Crown Place, Earl Street, London
Present:	Jon Bartley, RPC LLP (“Chair”) Jonathan Kirsop, Pinsent Masons LLP Luke Dixon, Freeths LLP Kate Brimsted, Bryan Cave Leighton Paisner LLP Eve-Christie Vermynck, Skadden, Arps, Slate, Meagher & Flom (UK) LLP Rhiannon Webster, Ashurst LLP Rebecca Cousin, Slaughter and May Giles Pratt, Freshfields Bruckhaus Deringer LLP Jonathan McDonald, Osborne Clarke LLP Jade Kowalski, DAC Beachcroft Emma Burnett, CMS Oliver Yaros, Mayer Brown International LLP Miriam Everett, Herbert Smith Freehills LLP
In attendance:	Alex Ha Kyung Kim, Pinsent Masons LLP (Senior Associate) Amanda MacKenzie, DAC Beachcroft (Senior Associate) Samantha Drake, Pinsent Masons LLP, as guest minute taker

1. Welcome

The Chair welcomed all those in attendance at the meeting of the Committee including guest Senior Associates from Pinsent Masons and DAC Beachcroft who attended as observers. The Chair welcomed new members Emma Burnett and Oliver Yaros.

2. Apologies

Cynthia O'Donoghue (Reed Smith LLP), Ross McKean (DLA Piper) and Kevin Hart (City of London Law Society ("CLLS")) sent apologies ahead of the meeting.

3. Previous minutes

It was reported that draft minutes from the previous meeting held on 1 February 2024 had been circulated. The draft minutes had been reviewed by the Chair, vice Chair and Secretary and any comments from other Committee members were requested to be provided promptly after the meeting. Subject to that, the approved minutes would be anonymised and uploaded to the CLLS website.

4. Specific issues discussed

Introducing the CLLS to younger members of the profession

The Chair noted that the City of London Law Society is keen to spread the word of the Committee amongst associates and continue its initiative of inviting senior associates to Committee meetings.

Potential new Committee member application

The Chair noted a new potential applicant. The Committee discussed the new potential applicant joining the Committee. The Chair agreed to take this forward.

ICO Chapter Recent Consultation on Gen AI

The Chair noted the web scraping response to Chapter One. The Committee discussed the possible continued involvement and next steps regarding Chapter Two. The Chair noted the Committee could provide comments to the draft. The Committee discussed the ICO. The Committee discussed the content of Chapter Five on controllership. The Chair suggested writing a high-level response to Chapter Four and then think about responding to Chapter Five on controllership.

The Committee agreed to recircle the draft with input from Herbert Smith Freehills. The Chair proposed making comments and the Committee agreed to review it ahead of the 10 June 2024 deadline.

Updating ICO Guidance on Special Category Data

The Chair noted the ICO has not made massive changes. The Committee discussed the ICO's guidance on special category data. The Committee agreed to email a contact at the ICO on behalf of the Committee to forward to the right team and report back.

Consent or Pay

The Chair noted the impact on personalised advertising. The Committee discussed their views and its relevancy in practice as well as the attitude of regulators. It was remarked that the ICO's recent guidance suggested a greater tolerance of 'consent or pay' models than some EU regulators.

Other recent developments – ICO use of reprimands

The Committee discussed the ICO's recent reprimands for alleged infringements. It was commented that this could reflect a lack of confidence on behalf of the regulator in issuing formal enforcement proceedings (given the success of appeals against these).

Other recent developments – ransomware

The Chair noted an increase in cyber ransomware attacks across all sectors and this was acknowledged by the Committee.

Other recent developments – transfers to branch offices outside the jurisdiction

The Committee discussed dealing with transfers to branch offices outside the jurisdiction, as well as international data transfers and data rooms.

Other recent developments - Privacy Notice Generator

The Committee discussed the ICO's privacy notice generator and experiences of it in practice. Views were that it might have only limited usefulness for members of the Committee's client base.

CLLS Event

The Chair noted that in the last meeting the Committee discussed organising an event in August. The Committee agreed to a Committee evening social at a date to be agreed.

LinkedIn Page

The Chair noted Committee Member, Kevin Hart, is encouraging all Committees to have a LinkedIn page. The intention is to raise awareness about the Committee and actions taken. The Committee agreed that the Chair will arrange this.

5. Upcoming meetings

No upcoming meetings were discussed by the Committee.

