

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

<b>Meeting Date</b>	9 February 2022, 9.30am
<b>Location</b>	Virtual Meeting Room
<b>Present</b>	Jon Bartley, RPC LLP, Chair Kate Brimsted, Bryan Cave Leighton Paisner LLP Rebecca Cousin, Slaughter and May Sam De Silva, CMS Cameron McKenna Nabarro Olswang LLP Luke Dixon, Freeths LLP Miriam Everett, Herbert Smith Freehills LLP Kevin Hart CLLS Jonathan Kirsop, Pinsent Masons LLP Jade Kowalski, DAC Beachcroft LLP Jonathan McDonald, Charles Russell Speechly Ross McKean, DLA Piper LLP Cynthia O'Donoghue, Reed Smith LLP Giles Pratt, Freshfields Bruckhaus Deringer LLP Eve-Christie Vermynck, Skadden, Arps, Slate, Meagher & Flom LLP Rhiannon Webster, Ashurst LLP Cindy Knott, Slaughter and May

**In attendance**

**1. Welcome**

The Chair welcomed all those in attendance at the meeting and welcomed the representative from DAC Beachcroft LLP as a new member of the Committee.

**2. Apologies**

The representative from Weil Gotshal & Manges LLP, sent apologies ahead of the meeting.

**3. Previous minutes**

It was reported that draft minutes from the previous meeting held on 25 November 2021 had been circulated. It was agreed that any approved minutes from previous meetings in 2021 and responses to consultations not yet uploaded to the CLLS website would be added.

**4. Consultations**

The Committee agreed it would respond to the ICO's consultation on its Anonymisation, pseudonymisation and privacy enhancing technologies guidance, which closes on 16 September. The Committee also discussed whether to respond to the ICO's consultation on its draft Regulatory Action Policy, its statutory guidance on ICO regulatory action and its statutory guidance on its PECR powers, which closes on 24 March 2022. Anyone interested in being involved in responding to this consultation was asked to let the Committee know after the meeting.

**5. Specific issues discussed**

**5.1 *CLLS Chairman and new Chief Executive***

It was reported that the new Chief Executive of the CLLS is planning to join one or more of the next meetings of this Committee. The CLLS Chairman is also planning on attending one of the meetings this year.

## 5.2 *International transfers*

The Committee discussed the ICO's International Data Transfer Agreement (IDTA) and EU Addendum which were laid before Parliament on 2 February 2022 by DCMS. The general consensus was that the IDTA and the Addendum, which are due to come into force on 21 March, could in practice be used from now in relation to transfers of personal data under the UK GDPR given the statement by the ICO on its website and given the low risk in doing so until they are formally in place on 21 March. The Committee also discussed the ongoing challenges businesses face with carrying out transfer risk assessments and some of the recent enforcement trends in the EU (e.g. in relation to Google Analytics).

## 5.3 *New Information Commissioner*

The Committee discussed inviting the new Information Commissioner to a future meeting and/or inviting him to speak at an open event. An informal invitation has been issued by a member of the Committee to the Information Commissioner, and also to the ICO's Director of Legal Services (Regulatory Advice and Commercial) to invite them both to speak.

## 5.4 *EDPB guidance*

The Committee discussed the EDPB's Guidelines 01/2022 on data subjects' rights – data access. One member welcomed the clarification from the EDPB that it is acceptable to provide the requester with compilations of their personal data instead of, or in addition to, redacted documents. Another member commented that some clients were concerned about the EDPB's view that the scope of a search cannot be restricted by reference to proportionality. The Committee also discussed the availability of AI tools to help with data subject access requests.

## 5.5 *AOB*

- The Committee has a provisional date in the diary for a social event – 23 February. Members agreed to confirm their attendance to the Chair.
- The CLLS is holding a 'Food for Thought Ethics Seminar' on 24 February on whether law firms (and, indeed, other professional services firms) might have a "Coldplay problem".
- The next CLLS chairs meeting will be on 15 March. The chair of this Committee will be attending and will pass on any feedback.