

**CITY OF LONDON LAW SOCIETY DATA LAW COMMITTEE
(THE "COMMITTEE")**

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| Date: | 15 May 2025 |
| Location: | The offices of DAC Beachcroft LLP The Walbrook Building, London |
| Present: | Jon Bartley, RPC ("Chair") Jade Kowalski, DACB Beachcroft LLP Jonathan McDonald, Osborne Clarke LLP Kevin Hart, City of London Law Society Rebecca Cousin, Slaughter and May Eve-Christie Vermynck, Skadden, Arps, Slate, Meagher & Flom LLP Luke Dixon, Freeths LLP Giles Pratt, Freshfields Bruckhaus Deringer LLP Emma Burnett, CMS LLP Ross McKean, DLA Piper LLP Kate Brimsted, Shoosmiths LLP Oliver Yaros, Mayer Brown International LLP Rhiannon Webster, Ashurst LLP |
| In attendance: | Amanda MacKenzie (Associate): as guest minute taker |

1. Welcome

The Chair welcomed all those in attendance at the meeting of the Committee

2. Apologies

Miriam Everett, Herbert Smith Freehills sent apologies ahead of the meeting.

3. Previous minutes

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

4. Specific issues discussed

City of London Law Society updates

The Committee were informed that the CLLS was moving away from being constituted as an unincorporated association to company limited by guarantee and moving premises from College Hall to Furniture Makers Hall in June.

It was also reported that Mathew Rous would be stepping down as CEO in September after 3 years. Patrick McCann (Linklaters) who is currently the Chair of the Training Law Committee will be taking over the CEO role. It was noted that Matthew done a great job and that, combined with the premises move and change in constitution, the CLLS was moving into a new era.

The Committee was updated on item 7 on the agenda (City Law School attendance at the committee meetings) and it was suggested this was left until the new chair of the Training Committee is in place. It was suggested that this Committee could present a session on data and cyber law to students. The Committee thought this was a good idea as it is important to inspire students in this area of law.

EU-US DPF

The Committee members discussed concerns being raised about the future of the EU-US DPF. Advice to clients generally remained the same (i.e. that the DPF was still in place and could still be relied upon) but that members were maintaining a watching brief on developments.

Recent Responses: India DPDPA rules

The Chair thanked RM for coordinating the Committee's most recent response in respect of the draft rules made under the Indian Digital Personal Data Protection Act 2023. It was reported to the Committee that the Rules were due to be finalised in May but the latest update from Indian counsel on the Indian DPDPA itself and the Rules (which the Committee responded to) is as follows: "*May was the month when (unofficially) the Government proposed to release the final rules. As of now nothing has been announced. While everyone is waiting, I think August is a more plausible timeline for the same. Setting up of the Data Protection Board of India would follow thereafter. So we are looking at the end of the year for full implementation*".

Recent Responses: Home Office Ransomware Consultation

The Response was submitted in April and an update will be circulated.

Retail Sector Cyber Attacks

The Committee discussed the implications of the recent cyber-attacks on the retail sector and the effect on insurers. It was noted that following these attacks, clients are focusing on proactive "cyber readiness" and board training with increased stakeholder engagement and a greater understanding of the impact of an attack (for example, reputational damage and share price impact).

The issue of cyber due diligence in M&A was also discussed.

ICO's first processor fine – Advanced Computer Software

The Committee discussed the Advance Computer Software fine was discussed.

ICO Cookie Compliance emails

The Committee discussed the ICO's recent second wave of cookie questionnaire, noting that the request was limited to only 3 points however it was in relation to "all" websites within a client's control.

The Committee also discussed the ICO's approach to cookie enforcement (i.e. more "carrot than stick" in comparison to other supervisory authorities).

ICO's Pseudonymisation and Anonymisation Guidance

The Committee noted that generally this was comprehensive, pragmatic and well-structured guidance

and would be good for clients.

The Committee discussed that the guidance makes clear that if sharing data with a processor or a joint controller it can't be anonymised (only ever pseudonymised). It was felt that this was a very binary approach. The Committee further discussed that there could be logic in an alternative argument as the reality could be that a processor cannot reidentify the data based on the data in its possession.

EU plans for GDPR simplification

The Committee noted that the Commission's simplification package had been expected in May/June but could now be October. The Committee also noted that the EDPB has sent a letter to the Commission stating that it would give preliminary support to the simplification of the record keeping under GDPR but had asked the Commission to better evaluate the impact on the organisations subject to this change.

New Consultations: DSIT Call for views on cybersecurity of Enterprises Connected Devices

The Committee discussed this Call for Views. The Chair agreed to follow up on a possible response by email to the Committee members.

New Consultations: ICO Encryption Guidance

The Committee noted that this seemed to be sensible guidance, in particular in respect of the explanations of different types of encryption. The Committee members felt that the ICO's continued use of its "should" and "could" and "must" approach was helpful.

The Committee noted that the Guidance does not cover the impact of quantum computing, only highlighting that such developments may change identifiability over time. It was noted that a recent NCSC statement suggested that businesses should be prepared for quantum computing by 2030.

Progress of DUA bill

The Committee discussed that the Bill had gone into "ping pong" as a result of debate on AI and copyright provisions and was currently back in the House of Commons. The Committee also noted that this "ping pong" may now go for a while and that a criticism of the Bill is that it contains a lot of secondary legislation so it will take a long time to implement and will have staggered implementation.

2025 Event for Data Protection Associates

The Committee discussed a potential event for junior associates and concluded that this is something which should be pursued, to involve a panel discussion and networking. It was noted that the CLLS was keen to encourage this initiative. Due to the summer break it will likely to be in the Autumn. The Chair was happy to progress this matter.

5. Upcoming meetings

The next meeting of the Committee was set for 18 September 2025.