

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

Date:	18 September 2025
Location:	The offices of CMS Cameron McKenna Nabarro Olswang LLP, 78 Cannon Street, London
Present:	Jon Bartley, RPC (the "Chair") Jonathan McDonald, Osborne Clarke LLP Rebecca Cousin, Slaughter and May Eve-Christie Vermynck, King & Spalding LLP Luke Dixon, Freeths LLP Emma Burnett, CMS Cameron McKenna Nabarro Olswang LLP Ross McKean, DLA Piper LLP Rhiannon Webster, Ashurst LLP Miriam Everett, Herbert Smith Freehills
In attendance:	Laura Clarkson (Of Counsel): as guest minute taker

1. Welcome

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

2. Apologies

Jade Kowalski, DACB Beachcroft LLP; Kevin Hart, City of London Law Society; Giles Pratt, Freshfields Bruckhaus Deringer LLP; Kate Brimsted, Shoosmiths LLP; Oliver Yaros, Mayer Brown International LLP; and Cynthia O'Donoghue, Reed Smith LLP.

3. Minutes from last meeting

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. General issues discussed

ICO's consultation on international transfers guidance

The Chair noted that consultation responses on behalf of the Committee had been collated and submitted to the ICO.

External DPO services – pros, cons and costs

There is a general perception that the appointment of external DPOs can be expensive, although the Committee also noted that it appears there are some lower cost providers advertising services. It was discussed that cost is likely linked to scope. Some external providers want to undertake an audit before starting and this inevitably works out more expensive.

The Committee noted that a possible risk in engaging a 'light touch' DPO is that the appointment may not stand up to scrutiny by a regulator, as in practice the appointee may not be fulfilling the legal requirements of the role.

The Committee noted that there has never been enforcement action relating to GDPR DPO obligations in the UK. However, authorities in Austria, Estonia, Italy and Poland have taken enforcement action in this area. Fines were generally in the 10s of 1000s (EUR).

On a related point, the Committee discussed whether the use of marketing cookies by an organisation might trigger DPO requirements on the basis that the organisation's core activities could then be considered to require the large scale, regular and systematic monitoring of individuals.

The Data (Use and Access) Act 2025 ('DUAA') and related issues (e.g. cookies and legitimate interests)

The Committee noted that:

- The substantive data protection provisions of DUAA (Part 5) will not come into force until January 2026. Whilst originally there was some suggestion that they could apply from December 2025, DSIT has confirmed that there is no appetite to bring these into force in the lead up to Christmas.
- The ICO has published new draft guidance on recognised legitimate interests and complaints procedures.
- We may see increased ICO enforcement action based on PECR, once the increased fines come into effect in January. This could be focused on cookies (the ICO can easily scan websites to see what cookies are being used). Note that in September 2025 the CNIL (France's data protection authority) imposed a €150 million fine on the online fashion retailer SHEIN for cookie violations.
- For those organisations that have already been subjected to ICO scrutiny on cookies, there are some reports of the ICO's cookie scans not matching up with internal company scans. In practice, it may be that organisations have multiple websites and that ICO scans and internal scans may not be aligning to the same sites. Additionally, third party cookies may be harder to pick up with some scans.
- CMP providers (and not just website publishers) may also be at risk in terms of enforcement action.

EDPS vs SRB

The Committee discussed EDPS v SRB (CJEU C-413/23 P, EU:C:2025:645). The Committee noted that the CJEU said that pseudonymised data is not always personal data in all cases and for every person. If the risk of identification is insignificant, then pseudonymisation may mean that the data is anonymous. However, if organisations disclose personal data to someone else, they must still cover this in the relevant privacy notice, even if the data is anonymous in the recipient's hands.

Commencement of the EU Data Act (12th September 2025)

The Committee discussed the right under this law for customers to switch services back in-house and require the provider to delete everything. Query whether this effectively amounts to a right to terminate for convenience. Some suppliers are pushing back and this may be an accounting issue – they need certainty as to how much will be charged. It is possible that this risk could be dealt with via change of law provisions. The Committee also noted that the EU Commission will be developing some model contracts to help ensure compliance.

5. AOB

The Committee considered whether they should be open to new 'in-house' members.

The Committee noted that it would likely need to discuss 'Europe's Digital Decade: digital targets for 2030' in future sessions.

The Committee were informed that there would be 'Celebration of Impact' day on 7th October 2025. Luke Dixon has circulated details by email.

The next Committee meeting is scheduled for **Thursday 27th November 2025**.