

Re Scrutiny Committee Call for Evidence on the Data Protection and Digital Information Bill Number 2.

[REDACTED]

I would be happy to attend Parliament by conference call or by coming to the Houses of Parliament, to discuss anything within my reports further, should that assist and /or to assist with other aspects of Privacy Laws or Data Protection Law.

Introduction and Executive Summary:

Who am I?

I am a Member of The Honourable Society Of The Inner Temple and was Called to the Bar in 2010. Although not a practising barrister and therefore unable to give legal advice, I'm a Privacy Professional, Data Protection Officer and Conference Speaker with a background of over 10 years working with the overarching Privacy Laws and Rights enshrined in the European Convention on Human Rights (Article 8) the Human Rights Act, 1998 and the Privacy and Electronic Communications Regulations, 2003 (and the e-Privacy Directive), as well as Data Protection Law, including the Data Protection Acts 1998 and 2018 and the General Data Protection Regulation (EU and UK) and the Privacy and Electronic Communications Regulations, 2003 (and the e-Privacy Directive).

My Clients include Government Departments, their Clients, Processors and Sub-Processors, Retail Banks and Private Organisations across a wide range of sectors.

My first Privacy and Data Protection Book- *Privacy and Data Protection in Your Pocket – Personal Data Breaches*, is in the House of Commons Library. If I may direct your attention to it, as some of the issues therein may be of note/ relevance to your discussions of the Data Protection and Digital Information Bill – in particular around 'what a personal data breach is' and just how they come about (which as I trust you're aware is far more than simple theft by cybercriminals or loss of personal data).

My first article written about Privacy matters is in the Summer 2009 edition of *The Expert Witness Institute Newsletter* and is about the *S & Marper v United Kingdom*, in the European Court of Human Rights, Case on the unlawful retention of DNA and fingerprints of innocent persons by the police.

Executive Summary

DCMS (the Department for Digital, Culture, Media and Sport) and the Government **failed** to listen to key stakeholders, including Privacy and Data Protection Professionals, such as myself and the Bill is **not** compatible with the European Convention on Human Rights or the Human Rights Act 1998.

The Data Protection and Digital Information (DPDI) Bill (in all its forms – 1 and 2) is entirely dodgy and needs to be binned.

It:

- removes people's Rights in an unnecessary and disproportionate way,
- sets up barriers to getting those Rights exercised,
- sets up unlawful bases for collection, use and storage that are likely to be struck down as was the unlawful Immigration Exemption from the DPA 2018 and
- it is highly likely (in my view) to lose the UK Adequacy (because the UK is highly likely to be found **not** to have Essentially Equivalent Guarantees for protecting the Rights of European Citizens/ EU Citizens, including but not limited to unlawful Government access to data), adversely affecting UK-EU and EU-UK data flows and
- it is going to cause businesses additional and costly hurdles for compliance because there will be two sets of compliance when doing business in Europe.

The UK Government appears to have forgotten that undermining people's Privacy and Protections for their Personal Data in the ways set out in the DPDI Bill (In all versions):

- is against the Public Interest,
- is highly likely to undermine Public Trust,
- is highly likely to cause societal harms that are widespread,
- is highly likely to facilitate fraud and financial crime (including when Credit Reference Agencies and Data Brokers are allowed to share personal data, with impunity and without even telling people they have their personal data in the first instance) and
- may also cause National Security, Public Safety and Safeguarding Issues.

I shall endeavour to include evidence of all of the above in my evidence on Parts 1 – 6 inclusive of the DPDI Bill (all forms).

What do we need/ What do I want the Committee to do?

I politely, respectfully and humbly ask the Scrutiny Committee to call a halt to the DPDI Bill (in all its forms and get it permanently binned).

As the last part of my evidence, I shall include what a far better National Data Protection Strategy than DCMS's one would look like, so that you can see a real and workable solution. I ask that the Scrutiny Committee kindly consider taking steps to get my solution into Law and Practice as soon as possible.

And then there's this:

Let me also share this to knock down various points around 'costs' and 'costs savings' that bringing in the DPDI Bill (1 and 2) that have been raised by various interested parties.

First of all there are the excess and excessive costs in drafting DPDI Bill versions 1 and 2. A Bill, which is as unnecessary and disproportionate as it has been written in legalese, which arguably makes it almost incomprehensible to people who don't have legal training.

Costs-wise the UK Government could arguably save a lot of compliance costs for Privacy, Data Protection and Anti-Money Laundering, too, if it stopped the 'change request' system and simply enforced its contracts better and/or, stopped outsourcing. Outsourced providers appear to have been screwing the UK Government over for years, putting their hands out for more 'cash' every time a change request for compliance comes in that they should simply be actioning because it has already been paid for under the contract. Plus the avoidable personal data breaches and Privacy Violations caused and poor customer service, means it would be far better to take everything back in house (reducing the costs of dealing with those by a lot) and returning things to better oversight and control over what happens to personal data, which would also, arguably, increase Public Trust.