

## Practical Steps for preparing for a “no deal” Brexit

Step	Action	How to do this?
1	<p>Map data flows between the EU and UK</p> <p>Review and track flows of personal data that your organisation receives from partners or suppliers in the EU.</p>	<p>Refer to your organisations record of processing activities or list of suppliers/partners, to identify parties in the EU that transfer personal data from the EU to the UK.</p> <p>Identify the personal data your organisation relies upon most and prioritise the most critical data flows/suppliers. Communicate with key points of contact within identified EU 'sender' organisations and agree way forward in relation to putting in place appropriate safeguards (see option summary above). Consult with colleagues including legal/contracts team and DPO, to arrange for updates to be made to agreements to incorporate appropriate safeguards where required.</p>
2	<p>Review and update privacy documents</p> <p>Post-transition period, privacy documents including privacy notices/statements, privacy policies, DPIAs, ROPAs and standard operating procedures referring to EU GDPR and the UK as a member of the EU, may not make sense.</p>	<p>Review and track necessary updates to be made to privacy documents, by the end of the year.</p>
3	<p>Appoint an EU representative</p> <p>From Jan 1<sup>st</sup> 2020, the requirement to appoint an EU representative under Article 27 of GDPR will apply to UK organisations that process personal data to provide good and services to data subjects within the EU or monitor the behaviour of EU data but do not have a formal place of business in the EU.</p> <p>Exceptions apply if the organisation is a public authority or the processing is occasional only or is low risk and doesn't involve the large scale processing of special category or criminal convictions data.</p>	<p>Appoint a representative in the jurisdiction the organisation operates. If your organisation operates in multiple jurisdictions appoint a representative that can be accessible to all jurisdictions and can communicate in those countries.</p> <p>The appointment must be formal i.e. put a contract in place and make the EU Representative visible in your privacy information.</p> <p>The role of EU representative carries responsibility. The EU representative will be the local contact for the EU supervisors and data subjects. Undertake due diligence to ensure that the EU representative is qualified to represent your organisation.</p>

<p><b>4</b></p>	<p>Appoint an EU Lead Supervisory Authority</p> <p>Appointing a Lead Supervisory Authority is relevant for UK-based data controllers or processors who will continue to carry out cross-border processing of personal data, across more than one member state within the EU after the end of the transition period.</p> <p>It is also relevant to those controllers and processors who process personal data of data subjects within one EU country but where this processing might have a 'substantial effect' on the data subject in another EU country. Substantial effect has a broad definition but in short, would be processing likely to have an impact on or cause harm to a data subject.</p>	<p>UK controllers with an EU base should appoint a lead supervisory authority in the EU country where its EU headquarters are located and where decisions are taken about the means and purpose of processing personal data.</p> <p>For Processors, with no EU base, the Lead Supervisory Authority should be located in the jurisdiction where the majority of the processing takes place.</p> <p>UK Controller and Processors without an EU base cannot currently appoint a lead supervisor, meaning that as it currently stands, UK organisations without an EU base would deal with the supervisor in each EU county it operates.</p>
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**If this guide has prompted any questions, or if you would like to discuss your organisation's situation, please get in touch:**



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