



**DON'T
BELIEVE
THE HYPE**

IPDP LAW

**Debunking some data
protection myths**

It's been almost impossible to avoid stories about data protection in recent years. GDPR and the Data Protection Act 2018 were the biggest changes in how the world deals with data in generations. Despite the new regulations, however, there is still a huge amount of confusion and misinformation out there.

Common questions people have about data issues include “do I need to delete my data?”, “does my business have to stop emailing people?” or “do data protection laws mean I can't use cloud services?”

Read to learn more about the UK data protection regime and what it really means for you.

Data protection laws are designed to stop marketing activity: FALSE

Data protection laws create rights for people in the UK. Businesses can still use personal data, they just need to comply with the law when they do.

Everyone needs to get consent before sending more emails: FALSE

We've probably all received emails from major household brands asking for our consent for them to continue contacting us. Yet consent is just one of the legal bases for contacting people. In other words, many have got this wrong. You may well be able to avoid the need for taking the drastic step of re-consenting by finding another legal basis for the contact.

I can just rely on "legitimate interest" as a justification for my activity: FALSE

Legitimate interest relies upon a three-part test which looks at purpose, necessity and a balancing of rights and interests. If you are going to rely on this you need to have a policy setting out how the test will be run, actually run the test each time you intend to rely upon it and document the outcome. Legitimate interest will actually prohibit you from undertaking certain activity.

I don't sell data therefore I don't need to worry about data transfers: FALSE

Do you rely on cloud services, external payroll, email marketing companies, or any other third party who may have access to personal data? If you do, this will be a transfer under the Data Protection Act and you will need to satisfy the requirements for a transfer. Make sure you have conducted a data mapping exercise to identify data flows and transfers.

Our vastly experienced team will provide you with the highest level of service

If someone sends me data, it is their responsibility to make sure it is "clean": FALSE

In any data transfer, both the recipient and disclosing party have responsibilities and potential liabilities.

This is an HR or IT issue: FALSE

Compliance requires a joined-up approach from legal, HR and IT. Anyone who tells you that any one of these disciplines alone can make you compliant has misunderstood.

I can't transfer data outside the UK or EEA: FALSE

You can transfer data outside the UK or EEA but there are certain requirements you must meet before you do.

I don't sell to consumers, so I don't need to worry about this: FALSE

The legislation applies to all personal data, including that concerning employees, business referrers and clients.



If you'd like to discuss how our data protection specialists can help, please get in touch.

We have a range of fixed-fee solutions designed to offer a range of services from light touch support to completing the entire exercise.

Contact details:

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