

Privacy Pros in the Know Aren't Waiting for Brexit: They're Preparing for the GDPR

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Privacy professionals in the U.K. are not standing idle while they wait for the U.K. to clarify data protection law post-Brexit. Instead, they are busy preparing to comply with the General Data Protection Regulation, the European Union's new comprehensive privacy law that will apply to all EU Member States beginning in May 2018.

In a survey of privacy professionals at more than 200 U.K. organizations, a convincing 94 percent report they are making preparations to comply with the GDPR, even though the U.K. may need to create its own new data protection law after it leaves the European Union. Notably, only 6 percent say they are waiting to see what post-Brexit data protection laws will be in the U.K.

The GDPR is, of course, going to catch many companies unaware and unprepared – a global [study by Dell](#) in late 2016, for example, estimated that 80 percent of respondents had little or no awareness of the GDPR and 97 percent lacked a plan to comply. But, as this IAPP survey shows, companies with privacy professionals already on board have a good head start and will not be caught by surprise next year.

How They're Preparing

Among those privacy professionals preparing for the GDPR, the primary focus is on being able to demonstrate their compliance from the outset. Two out of three are creating a new internal privacy accountability framework. Similarly, they

are making sure this is an organizational effort. Well over half, 58 percent, are investing in privacy training for their staff and employees.

Interestingly, given the looming Brexit, this is a much stronger commitment to the GDPR than we saw from our global privacy audience participating in the 2016 [Privacy Governance Survey](#). In our recent global report, we found a relatively similar commitment to employee training (50 percent), but far fewer efforts to build internal accountability (46 percent).

This may well be explained, however, by the timing. We are now nine months closer to the GDPR's commencement.

In a nod to the exploding new field of privacy-related technology, nearly half of U.K. privacy professionals are preparing for the GDPR by investing in new technology. This would also indicate new urgency: It is far greater than the 28 percent response rate from our global survey in 2016.

U.K. companies are also diligently complying with GDPR Article 30's obligation to appoint a data protection officer, with approximately 4 out of 10 respondents saying they are naming one. The IAPP has predicted that at least 28,000 new DPO roles will be needed in Europe alone – [75,000 globally](#) – to comply with Article 30 of the Regulation. The U.K. seems to be heeding the [advice](#) of the Article 29 Working Party to err on the side of interpreting Article 30 broadly in DPO appointment decisions.

Among the GDPR’s new obligations on data controllers and processors is the requirement to employ a data protection officer.

The GDPR expressly requires DPOs to be “designated on the basis of professional qualities” and to have “expert knowledge of data protection law and practices.” DPOs will work closely with Data Protection Authorities and will be expected to keep up with changes in law, policy, and technology. They must also understand how to build, organize, implement, manage, and constantly update data protection programs.

To assist those taking on these key new roles, the IAPP has built a “DPO-Ready” training and certification program and a [DPO Toolkit](#).

Not only do DPOs get new job opportunities, but the need for privacy professionals may be growing to fill privacy department roles as well. Thirty-eight percent of our U.K. survey respondents will see increases in their privacy budgets in anticipation of GDPR, while 36 percent are adding privacy staff. Privacy offices are shifting around for nearly one-third of respondents – potentially to promote the privacy lead and make room for a DPO.

Privacy professionals are also encouraging others in their organization to get

certified in privacy – 30 percent say this is in the works for GDPR – which is likely one component of their more robust accountability frameworks.

While, globally, nearly 30 percent of our 2016 governance survey respondents reported they were looking to hire outside counsel as part of their GDPR compliance strategy, U.K. privacy professionals preparing for GDPR are more likely to build a relationship with a consultancy (25%) than with a law firm (16%).

	Brexit Survey	2016 Global Governance Survey
Creating new accountability framework	67	46
Investing in training	58	50
Investing in technology	47	28
Appointing a DPO	42	35
Increasing privacy budget	38	35
Increasing privacy staff	36	34
Creating new reporting structure	32	21
Certifying employees in privacy	30	15
Creating new relationship with consultancies	25	16
Creating new relationship with outside counsel	16	29
Creating new relationship with regulators	16	15
Appointing multiple DPOs	12	16
Nothing	2	11

Biggest GDPR Challenges

We also asked U.K. privacy pros preparing for GDPR compliance what concerns them most about interpreting the new law, giving them the same list we gave our global privacy pro base in the 2016 governance survey. The “right to be forgotten” ranked highest on both lists as the most daunting compliance challenge, with U.K. privacy professionals taking it a bit more seriously by ranking it 6.8 on a difficulty scale of 10. Data portability was second on both lists, but again the U.K. teams are not convinced it will be easy; they score the task 6.5 out of 10.

Indeed, compared to our global survey, U.K. privacy professionals find the GDPR more challenging on many levels, indicating they are well on their way to putting it in

practice and therefore able to more truly appreciate the Regulation’s complexity.

In a major departure from our global survey, U.K. privacy professionals ranked understanding the GDPR’s research allowances as one of the most complicated provisions of the new law – it ranked 6.4/10 on their scale, compared to 3.8/10 for the 2016 global survey results. Generally, this is a particular concern of the health care industries, and may reflect the high-profile nature of [some of NHS’ activities](#) lately.

U.K. privacy professionals rank “gathering explicit consent” as the fourth most difficult compliance lift, with profiling restrictions and breach notification tying for fifth place.

	Brexit Survey	2016 Global Governance Survey
Right to be forgotten	6.8	6.1
Data portability	6.5	5.7
Understanding research allowances	6.4	3.8
Gathering explicit consent	6.3	5.6
Restrictions on profiling	6.0	4.6
Breach notification	6.0	4.8
Cross border data transfer	5.6	5.1
Conducting Privacy Impact Assessments	5.4	4.7
Understanding legitimate use	5.1	4.7
Understanding DPA oversight	4.9	4.5
Understanding jurisdictional scope	4.8	4.2
Mandatory DPO requirements	4.6	3.7

Conclusion

On both sides of the Atlantic, the GDPR has the attention of privacy professionals who are now working hard to build programs that will meet its standards by May 2018. But in the U.K., where Brexit appears likely to

require a separate U.K. data protection law not long after the GDPR takes effect, U.K. privacy professionals are clearly betting that GDPR compliance will meet almost any new standard the U.K. may adopt post-Brexit.