On June 17, the U.K. government published its response to the public consultation, ‘Data: a new direction’. As part of its National Data Strategy, the consultation, which ran for 10 weeks in late 2021, intended to bolster reform of the U.K.’s data protection laws. Having received nearly 3,000 responses from across academia, technology and industry bodies, and consumer rights groups, the government organized the proposals in its response across five chapters, which are depicted in this IAPP chart.

Chapter 1: Reducing barriers to responsible innovation
- **Anonymization**
  - Adopting the Council of Europe’s test for anonymization into legislation.
  - Confirming that the test for anonymization is a relative one.
- **Artificial intelligence**
  - Enable organizations to use sensitive personal data for the purpose of managing the risk of bias in AI systems by clarifying that Schedule 1 Paragraph 10 can be used for processing necessary for the purpose of ensuring bias monitoring, detection and correction.
  - Clarifying the limits and scope of U.K. General Data Protection Regulation Art. 22.
- **Lawful basis for processing**
  - Clarifying that further processing for an incompatible purpose may be lawful when based on a law that safeguards an important public interest or if the data subject has consented.
  - Creating a limited list of legitimate interests for businesses to process personal data without applying the balancing test.
- **Research/Scientific research**
  - Consolidating research provisions into a single chapter.
  - Creating a statutory definition of scientific research.
  - Incorporating broad consent for scientific research into legislation.
- **Secondary use**
  - Extending the “disproportionate effort” exemption on information processing for further processing for research purposes of personal data collected directly from the data subject.
  - Clarifying that crossing over processing may occur when the original lawful ground was consent.

Chapter 2: Boosting trade and reducing barriers to data flows
- **Adaptability**
  - To remove the requirement for the DCMS secretary of state to conduct a review/adaptability decision every 5 years.
  - To reform the ODMs Secretary of State’s adaptability-making power.
- **International transfers**
  - Restoring the importance of proportionality when using alternative transfer mechanisms.
  - Creating a new power for the ODMs secretary of state to formally recognize new alternative transfer mechanisms.
  - Clarifying that where judicial or administrative redress is acceptable for complaints, the test for anonymization is a relative one.

Chapter 4: Delivering better public services
- **Biometrics and surveillance**
  - Clarifying roles on the collection, use and retention of biometric data by the police.
- **Lawful basis for processing**
  - Clarifying that organizations asked to carry out an activity on behalf of a public body may rely on that body’s lawful ground for processing the personal data without relying on ICO advice.
  - Specifying new situations in Data Protection Act 2018 Schedule 1 to permit certain activities on grounds of “public interest”.
- **Regulatory reform**
  - To extend powers under Section 35 of the Digital Economy Act 2017 aimed at improving public service delivery to business undertakings, beyond the current scope of individuals and households.
  - Align key terms that are used across the different data-processing frameworks to drive consistency.

Chapter 5: Reform of the Information Commissioner’s Office
- **Biometrics and surveillance**
  - Further simplification of the oversight framework for the police use of biometric data.
- **Complaints management**
  - Setting out in legislation the criteria the ICO can use to determine whether to public a complaint in order to provide clarity and enable the ICO to take a more risk-based and proportionate approach to complaints.
- **Investigations**
  - New power for the ICO to commission a technical report to aid breach investigations.
  - New power for the ICO to compel witnesses to interview during investigations and answer questions.
  - Introducing a requirement for the ICO to set out the anticipated timelines for phases of its investigation into relevant data controller’s, at the beginning of an investigation.
- **Regulatory reform**
  - New statutory framework setting out the ICO’s strategic objectives and duties.
  - New duty for the ICO to have regard to public safety.
  - New power for the DCMS secretary of state to prepare a statement of strategic priorities the ICO must respond to.
  - A new overarching duty for the ICO to uphold data rights and encourage trustworthy and responsible data use.
  - New duty for the ICO to have regard to economic growth and innovation.
  - New duty for the ICO to have regard to competition issues.
  - New duty for the ICO to consult with relevant regulators and any other relevant bodies when exercising its duties to have regard to growth, innovation and competition.
  - Establish an independent board and chief executive for the ICO.
  - Amending the chiefs appointment process to ensure the board are independent of government.
  - Removing Parliamentary approval to amend the information commissioner’s salary.
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