
Date	December 2017
Publication	Modern Insurance Magazine
Type of publication	Insurance



The Data Protection Bill - implementing GDPR



In June 2017, the Queen's Speech heralded a new Data Protection Bill for the UK to implement the provisions of the General Data Protection Regulation (GDPR) into UK law. This announcement was amplified by the Government's Statement of Intent on 7th August 2017, and subsequently The Data Protection Bill was published on the 14th September, which will eventually replace the Data Protection Act 1998 as the primary data protection law within the UK.

The Bill widens the reach of GDPR, which as a Regulation already has direct applicability in the UK. The Bill also sets out the derogations that will apply in the UK and, therefore, provides welcome clarification as to how some of GDPR's provisions might be navigated. At 218 pages, including 18 schedules, the Bill is by no means straightforward and may of course yet be subject to further change as it proceeds through Parliament.

At a time of fast paced change and innovation within the insurance and claims sectors, the combination of data and technology is increasingly intertwined with every area of business. It is against this backdrop that GDPR enters the stage and revamps the law in relation to how data can be lawfully processed, i.e. how it is collected, analysed, shared and stored. The Bill imposes new obligations, enhances existing rights and creates new ones.

As the ICO have recently pointed out, there has been a good deal of scaremongering in respect of the consequences of non-compliance and the level of fines that may be imposed, with the ICO underlining its commitment to advising and educating organisations and using its powers judiciously and proportionately. However, the new enforcement regime certainly warrants highlighting. Where a breach infringes a data protection principle or a data subject right, fines of up to 4% of global turnover or €20 million, whichever is higher, can be imposed.

Thought is required as to the conflicting requirements in relation to the GDPR. On the one hand, the system must safeguard data and protect user's data. But on the other, it must also consider the implications for the use of data legitimately in the fight against fraud.

Although it is true that GDPR introduces a tougher enforcement regime, with significant penalties for non compliance, it also provides new opportunities for firms that are adapting to the changes. The ability to demonstrate compliance, to offer transparent processing of personal data and systems that keep data secure will be a business enabler that is likely to generate increased customer confidence and may influence purchases. ●

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