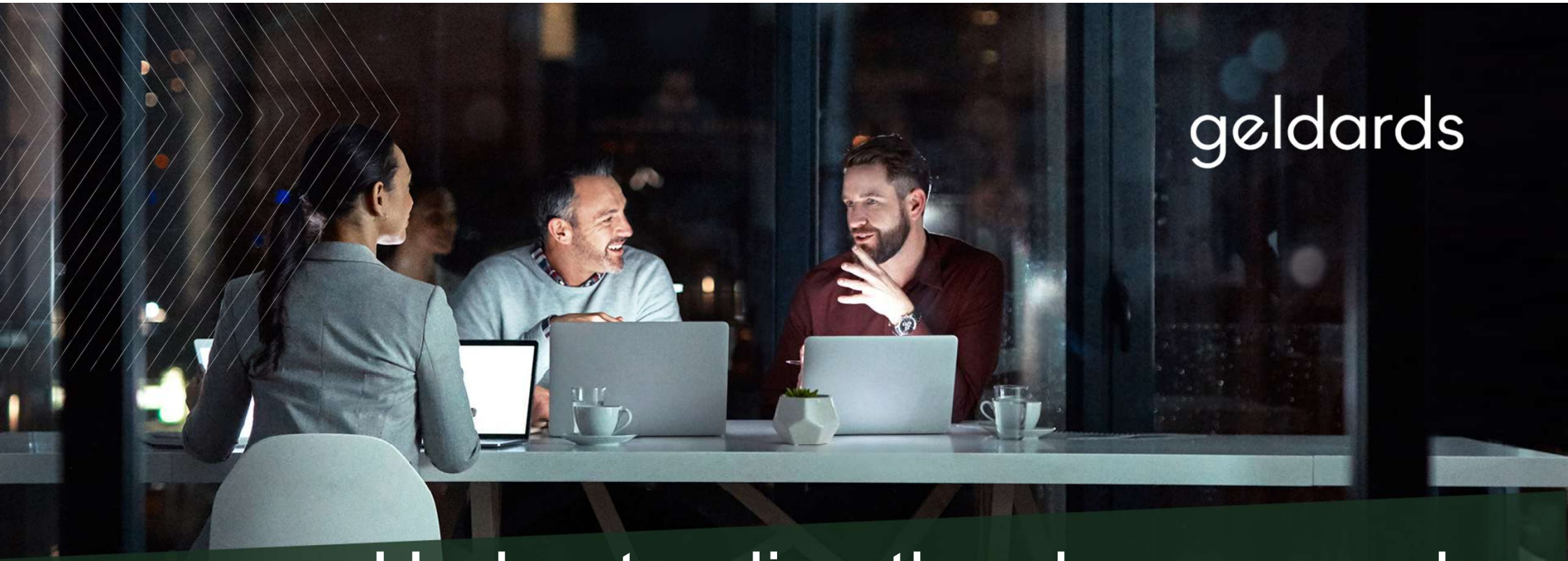



# Understanding the changes and impact on data protection

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11th November 2026

# Agenda



Legal framework



Key changes and their impact




What about AI?



Horizon Scan

# Reform Not Replacement

- The previous data protection legislative framework remains, with some tweaks
  - UK GDPR
  - Data Protection Act 2018
  - Privacy and Electronic Communications Regulations 2002 ('PECR')

Data (Use and Access) Act 2025 – Royal Assent 19 July 2025

# Key Changes

# Lawfulness of processing

- Recognised legitimate interests – Article 6(1)(ea) UK GDPR
  - Crime prevention
  - Safeguarding vulnerable people
  - Responding to emergencies
  - Safeguarding national security
  - Assisting other bodies to deliver public interest tasks that are sanctioned by law

# Lawfulness of processing

- Need for an LIA removed
- Public sector limitation
- Request voluntary disclosure for a public task or official function
- Still need to justify necessity and proportionality

# Purpose limitation

- 2nd Data Protection Principle
  - Data must be collected for a specific, explicit purpose and not used incompatibly with those purposes
- DUA clarifies rules on purpose limitation



# Purpose limitation

- Consent
  - A new use is only compatible if the controller:
    - gets consent for the new use;
    - carries out the processing to comply with a data protection principle;
    - uses the information for a reason listed in a new annex of “processing to be treated as compatible”, and it is not reasonable to expect it to obtain new consent; or
    - carries out the processing because it is necessary for certain public interest reasons listed in article 23(1) of the UK GDPR, and it is not reasonable to expect it to obtain new consent.

# Purpose limitation

- Other lawful bases
  - A new use is compatible if the controller:
    - gets consent for the new processing;
    - carries out the processing for the purposes of research, archiving in the public interest or statistical processing, and in accordance with the provisions relating to this processing;
    - carries out the processing to comply with a data protection principle;
    - uses the information for a reason listed in a new annex of “processing to be treated as compatible”; or
    - carries out the processing because it is necessary for certain public interest reasons laid down by law and listed in article 23(1) of the UK GDPR.

# Purpose limitation: list of compatible uses

- Disclosure for the purposes of performing a task in the public interest
- Disclosure for the purposes of archiving in the public interest
- Public security
- Emergencies
- Crime
- Protection of vital interests of data subjects and others
- Safeguarding vulnerable individuals
- Taxation
- Legal obligations

# Purpose limitation

- Compatibility and lawful basis are separate questions
- Lawful basis for new purpose
- Transparency
- Data minimisation
- Additional conditions for processing special category data

# Data Subject Rights

- Clarification on when the time limit commences
  - any information requested to confirm the requester's identity (if required); or
  - a fee if this has been requested for responding to a manifestly unfounded or excessive request
- Stop the clock provisions
  - Clarify or refine request

# Information to be provided to data subjects

- Privacy information
  - Doesn’t have to be provided if:
    - the controller intends to further process personal information for research purposes, in accordance with the provisions covering this type of use; and
    - providing the privacy information is impossible or would involve a disproportionate effort
  - Protect rights in other ways

# DSAR Searches

- “Reasonable and proportionate” searches for information
- Consider:
  - the circumstances of the request;
  - the volume of information to search;
  - any difficulties involved in finding the information; and
  - the fundamental nature of the right of access

# Reasonable and proportionate

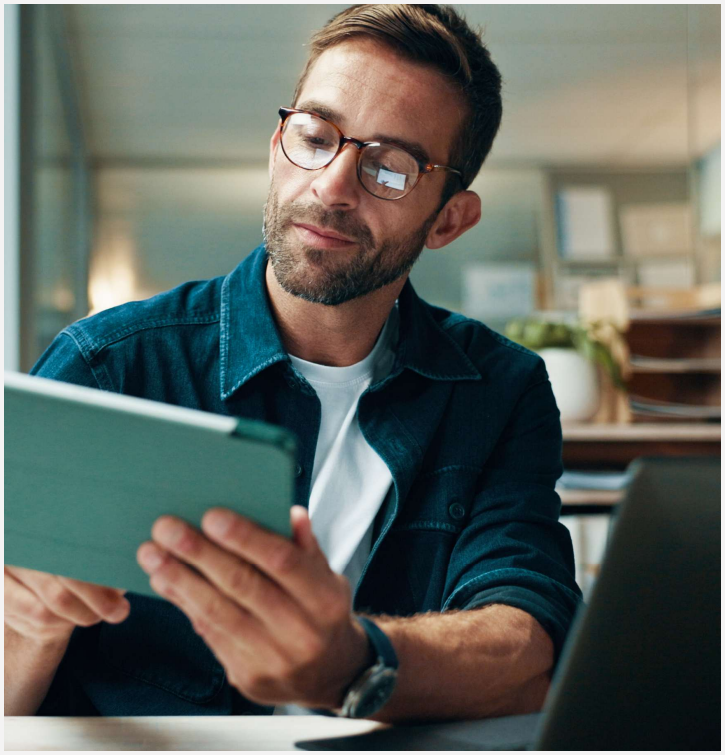


Local Authority receives a DSAR from a former social care worker. She left 18 months ago after a grievance and has contacted ACAS early conciliation in relation to a potential tribunal claim. She asks for “all personal data you hold about me”. The Local Authority has 6 years of emails, HR and case management records, and Teams messages.

# Transfers of personal data to third countries

- Personal data transfers outside the UK are prohibited unless a permitted route applies
  - Adequacy decision
  - IDTA/SCCs
  - Binding Corporate Rules
- Transfer risk assessment
- New data protection test
- “Not materially lower” standard of protection

# TRA example: Cloud Case Management



- Council moves social care records to a US-headquartered SaaS supplier
- Hosted in the UK, but US and India support staff have remote access
- Special category and children's data, c.40,000 records

# TRA: Cloud

- Step 1: is a TRA needed?
  - Adequacy (UK–US data bridge): is the supplier certified? If so, no TRA
  - If not, IDTA or UK Addendum is used, so a TRA is required
- Step 2: apply the “not materially lower” test, reasonably and proportionately

# TRA example: assessing the risks

| Risk factor | Assessment | Mitigation |
|---|---|---|
| **Third-party access** | US government access requests (e.g. FISA 702, CLOUD Act) | UK hosting; logged, just-in-time support access; council-held encryption keys |
| **Enforceability of safeguard** | IDTA under English & Welsh law; individuals can enforce their rights | Audit rights; supplier must notify and challenge access requests |
| **Destination-country law** | US has oversight mechanisms; India has wide government-access exemptions | India-based staff see pseudonymised data only |
| **Onward transfers** | Sub-processors in further countries | Council-approved sub-processor list; flow-down terms |

# Other key changes

- ICO gets a title change
- Complaints process
- Data sharing powers extended



# How does the DUA impact on AI?

- Automated Decision Making
- Pro-innovation regulator

# What’s on the horizon?

- Focus on Cyber Resilience
- More AI
- UK adequacy with the EU

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# Thank You

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