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Brexit: Third country overnightConsequences of the United Kingdom's withdrawal from the EU in terms of data protection law

Today, Tuesday, the British Parliament will decide on the agreement negotiated with the EU on the United Kingdom's withdrawal from the European Union. It is still unclear whether, when and how an agreement will be reached in the negotiations surrounding the United Kingdom's (UK) exit from the European Union (EU). ©

TheDigitalArtist / pixabay.com Regardless of whether the outcome is an unregulated exit from Great Britain or a negotiated solution, a large number of Rhineland-Palatinate companies will be affected. Last but not least, this also has consequences under data protection law.

"With the digitization of business processes in development and production, marketing and sales or the maintenance of customer relationships, there are diverse economic and technical interdependencies across company and national borders. Many companies transmit employee or customer data to Great Britain or use IT services provided by local providers or in local data centers," says the State Commissioner for Data Protection and Freedom of Information in Rhineland-Palatinate, Prof. Dr. Dieter Kugelman. They are affected as group companies, in the context of joint ventures, supply chains and other IT-supported processes. Such data transfers also require a legal basis after Brexit. In order to avoid that important legal documents have to be adapted at short notice or even created and then fed into day-to-day business, non-public and public bodies that transfer personal data to the United Kingdom should prepare themselves now for the "worst case scenario". prepare, because March 29, 2019 is getting closer and closer" says Kugelmann. "The fact is that after leaving the EU, the United Kingdom will become a 'third country' within the meaning of the General Data Protection Regulation (GDPR).

This means that responsible bodies in the EU, including those based in Rhineland-Palatinate, must always take the following provisions into account and, if necessary, revise documents accordingly, regardless of whether there is a "deal" between the EU and the UK or not: The information sheet on data processing and the data protection declaration of a website must provide information about the transfer of data to a third country in accordance with Article 13 (1) (f) and Article 14 (1) (f) GDPR If a person makes use of their right to information, they must also be informed about data transfers to third countries in accordance with Article 15 (1) (c) and (2) GDPR letter d and letter e GDPR or Article 30 (2) letter c GDPR as such and to provide the other

information required in this context. If necessary, data protection impact assessments are to be carried out for the first time or to be reviewed that have already been carried out, insofar as data transfer to the UK as a third country is concerned (Art. 35 DS-GVO). The state commissioner will shortly provide information on which data protection requirements apply to companies and administrations in the various exit scenarios and how the LfDI accompanies this as the supervisory authority.

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