

## Discussion Summary 2

The European Union (EU) began implementing its General Data Protection Regulation (GDPR) in 2018, which forms the basis for various rules and regulations concerning the protection and free movement of personal data belonging to EU citizens and those within the European Economic Area (EEA) (GDPR, 2018a). When the UK left the EU, the GDPR laws were kept largely the same and known as 'UK GDPR', with the EU approving adequacy decisions to indicate an 'equivalent' level of protection, and to allow the continuation of data processing between the two jurisdictions - These decisions are expected to last until at least June 2025 (ICO, n.d.a).

One of the key principles of the GDPR highlights the need to ensure the security of the data that is collected and processed, placing responsibility on the organization that is processing the data. The data needs to be responsibly stored and protected against accidental loss and destruction or damage of the hardware, as well as against unauthorised or unlawful processing (GDPR, 2018b).

There are some differences between the principles founded in the EU and those implemented in the UK; for example, in the given level of detail between the two regulations. The EU uses its GDPR principles as a definition, providing general guidelines that allow member states to tailor them to their own data protection laws (European Parliament, 2016). In the UK's Data Protection Act, additional context and best practices have been included to make it easier for companies to follow the regulation (UK Government, 2018; ICO, n.d.b). This is evident in an example highlighted by Greenberg (2023), where exemptions are applied for some organisations from certain data protection rules, particularly for matters concerning national security, intelligence services, and immigration; although there are still conditions and safeguards that must be adhered to. On the other hand, Greenberg notes that the EU's GDPR takes a more uniform approach to data protection, emphasising a consistent level of protection across organisations, but allows member states to restrict data rights for some national security concerns.

Overall, although GDPR regulations between the EU and UK share many similarities, it is important for organisations that process personal data on both sides to identify the subtle differences between the laws in both jurisdictions, so that they can adapt and remain compliant with all data protection laws applicable to them.

## References

European Parliament (2016) General Data Protection Regulation. Available from: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R0679> [Accessed 12 October 2024].

General Data Protection Regulation. (2018a) Art. 1 GDPR: Subject-matter and Objectives. Available from: <https://gdpr.eu/article-1-subject-matter-and-objectives-overview/> [Accessed 23 September 2024].

General Data Protection Regulation. (2018b) Art. 5 GDPR: Principles relating to processing of personal data. Available from: <https://gdpr.eu/article-5-how-to-process-personal-data/> [Accessed 23 September 2024].

Greenberg, E. (2023) 10 Differences Between UK GDPR and EU GDPR. Available from: <https://www.papayaglobal.com/blog/10-differences-between-uk-gdpr-and-eu-gdpr/#:~:text=Data%20protection%20standards%3A%20while%20the,exemptions%20for%20certain%20public%20authorities> [Accessed 23 September 2024].

ICO. (n.d.a) Overview – Data Protection and the EU. Available from: <https://ico.org.uk/for-organisations/data-protection-and-the-eu/overview-data-protection-and-the-eu/> [Accessed 23 September, 2024].

ICO. (n.d.b) A guide to data security. Available from: <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/security/a-guide-to-data-security/> [Accessed on 23 September 2024].

UK Government. (2018) Data Protection Act. Available from: <https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted> [Accessed 12 October 2024].