



Department  
for International  
Development



01 May 2018

## **FAO - DFID Suppliers**

### **NEW DATA PROTECTION LAWS**

New data protection legislation is due to come into force during May 2018, which aims to protect the privacy of all EU citizens and prevent data breaches. It will apply to any public or private organisation processing personal data.

Established key principles of data privacy will remain relevant in the new Data Protection Legislation but there are also a number of changes that will affect commercial arrangements, both new and existing, with suppliers. The new General Data Protection Regulations specify that any processing of personal data, by a Processor, should be governed by a contract with certain provisions included.

The Department for International Development (DFID) has identified a number of existing DFID contracts involving the processing of personal data, which will be in place after 25 May 2018 that will require updating to bring them into line with the new laws. This will involve updating existing contract terms and ensuring specifications and service delivery schedules to reflect the roles and responsibilities of the Data Controller and Data Processor as required by the new data protection laws. In addition, DFID will be updating its procurement documentation to reflect the new data protection laws, for contracts to be awarded on or after 25 May 2018.

Any work you undertake to be compliant with the new data protection laws, (including our work with you to update existing contracts), should not incur additional charges to the contract price. Costs incurred by you to become compliant reflect the associated cost of doing business in the UK and EEA. The required changes are not specific to public sector contracts as the new data protection legislation applies to all commercial contracts involving the processing of personal data. We expect all suppliers to manage their own costs in relation to compliance.

DFID will not accept liability for data protection breaches committed by Data Processors nor provide an indemnity in respect of such breaches. The legal penalty regime under GDPR has been extended directly to Data Processors to ensure better performance and enhanced protection for personal data. That means indemnifying Processors for any GDPR fines or court claims undermines these principles.

Our Commercial Teams are currently working through all the contracts affected by the new legislation and we will contact you in the coming weeks to start work on varying existing contracts where required.

If you would like to know more about the upcoming changes, the Information Commissioner's Office is a good source of information on the new General Data Protection Regulations 2018

([ICO Information on GDPR](#)). The [CCS Procurement Policy Note 03/17](#) is also helpful to understand the changes required to procurement processes as a result of GDPR. If you have any questions, please contact us by e-mail at [gdpr@dfid.gov.uk](mailto:gdpr@dfid.gov.uk).

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