Department
for Culture
Media & Sport

GDPR DCMS consultation

1 message

Theme 5: Archiving and research

The UK is an attractive research base and it is the world's second largest research market outside of the US. To maintain this position, the exemptions in **Article 9** and **89** that will allow for the processing of data for research purposes should be implemented.

Theme 9: Rights and Remedies

The GDPR provides companies with an opportunity to modernise the way consent is collected and to offer a positive and non-disruptive user experience. Modern consent models should follow a set of core principles to protect privacy, while promoting the free flow of information, innovation and economic growth. Companies should be enabled to focus on obtaining consent through a variety of means that are best suited to the nature of the service they provide and the needs of their customers. Consent models should be practical, manageable and implementable.

Profiling (**Article 22**) is essential to providing targeted, relevant advertising and we ask Government to authorise decisions based on profiling for the purposes of targeted advertising.

The UK is a leader in data-driven, digital and e-commerce services. Our digital economy represents one third of the EU's entire digital economy and the UK online advertising market is the biggest in Europe, worth €11.8bn, with Germany (€5.8bn) and France (€4.2bn) in second and third place.

Direct marketing may be considered as a legimiate interest under Recital 47. There is no reason why advertising should not also be considered as a legitimate interest under Recital 47.

Finally, with regard to direct marketing and profiling (Article 21.2), it would also be helpful if Government could clarify in implementing legislation and/or guidance the meaning of 'profiling to the extent that it is related to direct marketing'.

Theme 10: Processing of Children's Personal Data by Online Services

The AA supports lowering the age of a child with regard to the provision of "Information Society services" to 13 (**Article 8**), to maintain the current UK standard and to ensure greater stability for businesses.

Parental consent mechanisms should be developed by industry, in line with the GDPR, in a way which allows industry to develop parental consent mechanisms via Codes of Conduct (**Article 40(2)(g)**). The European Data Protection Board should allow industry to develop relevant Codes of Conduct to ensure any parental consent mechanism is appropriate to the particular technology or service offered to minors.

Theme 11: Freedom of Expression in the Media

The AA supports the exemption in **Article 85** on the processing of data for journalistic purposes and the freedom of expression and information. The implementation of the exemptions in this article is vitally important to all media – print, online and broadcast.

Theme 12: Processing of Data

Article 28 provides that processing by a processor shall be governed by a "contract or other legal act". It would be helpful for the Government to provide information on whether it will introduce a "legal act" that will enable contracts between controllers/processors or processors/sub-processors to avoid including lengthy contractual clauses which repeat the provisions of Article 28(3).

It would be helpful to know whether the Government intends to produce a list of the types of processing operations that will require an impact assessment and those which will not. (**Article 35**)