

# HCR DATA FLEX

A flexible, legal service to support you  
with data protection.

**hcr**

**harrison clark  
rickerbys solicitors**

## What is Data Flex?

Data protection law is nuanced, ever-changing, and more complex than ever, in light of Brexit.

Many UK businesses and organisations appoint a Data Protection Officer (DPO) at board level, who may be assisted by a Data Protection Manager (DPM) to manage the business policies and procedures on a day to day basis.

**Data Flex** is a flexible legal service to support your business and DPO or DPM with data protection management advice, at agreed rates you pay only when we're working for you. You get the protection and assurance of having a specialist lawyer advising you and supporting your business, for a reasonable and flexible fee.

## Do I need a DPO Officer?

The DPO Officer, as set out in the General Data Protection Regulation (GDPR), is a legal requirement if:

- you are a public authority or body (except for courts acting in their judicial capacity);
- your core activities require large scale, regular and systematic monitoring of individuals (for example, online behaviour tracking); or
- your core activities consist of large scale processing of special categories of data or data relating to criminal convictions and offences.

**If you do not need a DPO, you can voluntarily appoint one or, instead appoint a DPM to manage all matters concerning personal data in your organisation. The DPO must also be independent, an expert in data protection, adequately resourced, and report to the highest management level.**



## Marketing business saved from ICO fines

Our client was being investigated by the Information Commissioners Office following complaints made about them in relation to email and SMS marketing. They faced big fines, reputation damage and loss of business. We completed a wholesale review of their GDPR and data protection compliance processes, documents and policies, and advised on how to handle to ICO investigation. The client is now compliant and has avoided further investigation, fines and liability.

## Even though we are not in the EU any more?

Although the EU GDPR no longer applies, the UK GDPR is essentially a mirror version which has been adopted and embedded into The Data Protection Act 2018. There is very little difference between the UK GDPR and EU GDPR, and the latter may still apply to you if you offer goods, services, or track customer data in the EU.

So, you still need to consider GDPR compliance in your dealings with data subjects based in the EEA, but also when processing personal data of data subjects based in the UK.

“ We have used Georgia's services to receive advice supporting us in GDPR and updating our data protection practices. She has been a pleasure to work with in that all things were done promptly, was always reachable when needed, has a calm demeanour and, proved to be truly knowledgeable on the Data Protection field. Overall, I have no hesitation in highly recommending the use of Georgia's professional services. ”

Sam



## What are the responsibilities of the personal data management?

It's quite the list. Your DPO is responsible for (and your DPM will take the lead on):

- Monitoring compliance with UK GDPR and other laws;
- Creating and upholding your data protection policies;
- Awareness-raising, training, and audits;
- Offering advice and information regarding your data protection obligations;
- Monitoring and advising on Data Protection Impact Assessments (DPIA);
- Being the main point of contact for the Information Commissioner's Office (ICO), co-operating and consulting with them under Article 36;
- Maintaining due regard to the risk associated with processing operations, and takes into account the nature, scope, context and purposes of processing.

This can seem like a steep ask of one person, given that it requires a wide skill set comprising cyber security, legal services, and business management, but it also requires them to be independent and not hold another conflicting role. What's more, as an organisation, you must provide your DPO with the adequate time, budget, training, and supporting staff to enable them to meet their UK GDPR obligations.

Early advice meant care business was compliant from the outset

Our client wanted to enter a supply contract that would require the handling of special categories of personal data. It was vital that this was managed compliantly from the outset to avoid risk of unlawful data handling down the line. We provided a full analysis of the roles of each of the parties in the contract, mapped the data flow, and ensured the correct legal basis for data use could be relied upon. The client was able to sign up to contract knowing they would not face data related investigations or fines.

## What does the Data Flex service provide?

Essentially, we take on all of the above.

We, Harrison Clark Rickerbys, can advise your DPM or DPO. That means that we can advise on data requests, challenges, or changes. We would advise your DPM or DPO to protect your business's best interests, in pursuance of the law, and adapt your practices and processes in line with any changes to those laws.

### **Data Audit** - the essential starting point

We can advise and support you in the mapping of data flows into and out of your business. An audit should include all procedures and policies, staff training, past breaches, access requests, complaints, investigations, and transfers.

### **Document Review** - crossing the T's and dotting the I's

We will review your contracts to make sure that all of your paperwork is data protection compliant. That includes reviewing internal and external documents, policies, contracts, appointments, sharing agreements, templates, and much more.

### **Troubleshooting and Maintenance** - keeping on top of it all

We can support you in dealing with ad-hoc queries, training new staff, reviewing or updating new documents and contracts, and providing advice to internal staff responsible for personal data management or processing activities.

### **Training and Internal Processes** - keeping your finger on the pulse

We will help embed a data-led culture, training all staff to ensure that every employee recognises their role in management of data. When new laws come into effect, we will provide further training and help develop processes to embed new behaviours.

### **Crisis Management** - acting quickly and correctly

If your systems are breached, we will already be familiar with your systems and able to react instantly, to reduce any risk or reputational damage.

### **Managing SARs (Subject Access Requests)** - navigating tricky waters

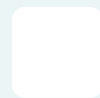
SARs are time-consuming, and time-sensitive. There are rigid deadlines and fixed requirements, which can put pressure on across your organisation. We will take the weight of this and respond legally and appropriately.



### Brexit confusion demystified

Our client was concerned about the impact of Brexit on their supply chain and the personal data the business was holding on distributors and customers in the EEA. We advised on the steps the client needed to take in order to process their data legally and how to use an Article 27 representative. As a result, they retained their market and customer base in the EEA.

#### **Dealing with the ICO** - effective, efficient communication



Like SARs, investigations and correspondence can be time consuming and stress inducing. We have a good relationship and understanding with the ICO, and know how the process works.

#### **Managing and reporting a breach** - prepared for if the day ever comes



We can take quick and decisive action if a breach were to happen. We work closely with the ICO and understand all of the rules and regulations.

#### **Annual Health Check** - a lot can change in a single year



We will provide annual audits to ensure that you are always compliant, and our knowledge of your systems means we can be quick and thorough.

Remember that when it comes to data protection, however you manage it, the buck stops with your company directors. Breaches of data protection laws can lead to criminal liability, so good advice from a specialist can help mitigate your risk.



#### **How it works and what it costs**

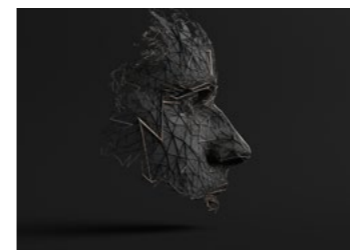
We will provide data protection services tailored to your business needs. We understand the business need for legal support and advice relating to the technicalities of personal data protection, and we can be flexible in the provision of that support and advice.

Data Flex is designed to be a long-term relationship, and therefore you will have access to a very discounted day rate. Most clients use between 5 - 10 days in the first month, as a 'getting to know you' set up project, and then reduce to 2 days per month for maintenance, fine-tuning advice, and troubleshooting.

We can also provide training for all of your directors, employees, and contractors. To maximise value, we can even train internal champions, so that they can be more flexible and cost-effective in training large numbers of the rest of your organisation.

If there is a discrete data protection issue, like a SAR or ICO enquiry, we can provide additional support on the same discounted day rate, with the added bonus that we are already familiar with your systems and processes. This enables us to respond quickly, to comply with the strict time limits within the GDPR, or mandated by the ICO.

We will carry out all work remotely, unless you require us to visit your premises in-person.



### **HCR FLEX**

You may also be interested in our broader [HCR Flex](#) service, which gives you the same flexibility of service, but across all of your legal requirements.

**Remember, whoever it is, that your DPO or DPM isn't personally liable for data protection compliance. As the controller or processor, it remains your responsibility to comply with the GDPR.**



## Poorly drafted privacy policy risked major fines

Our client faced two data related problems. They were not transferring personal data between the companies in their group structure legally, and their privacy policy did not reflect the valid legal basis for processing it. Based on the global turnover of the business they could have faced major fines. We advised on the correct practices and revised their privacy policy. Training was provided at board level and the business is now compliant, reducing their risk of investigations and penalties.

## Why Harrison Clark Rickerbys?

We have 10 offices across England, more than 800 employees, and international hubs in Europe, Asia, North America, Australia and the Middle East. Our Commercial Team includes lawyers qualified to practice in multiple jurisdictions, and has been providing legal data consultancy for decades.

**For more information on HCR Data Flex, contact**



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