

FRASER  FRASER
SINCE 1969

GENEALOGISTS AND INTERNATIONAL
PROBATE RESEARCHERS



Webinar with Fraser and Fraser

Presented by

Andrew Gallie

Partner, VWV Law Firm

Hosted by

Nick Beetham

Business Development Manager, Fraser and Fraser



Fraser and Fraser

Our Services

- Confirming whether or not owners of empty properties are in occupation
- Tracing empty home owners to their new address
- Identifying and locating executors of next-of-kin deceased owners
- Helping Empty Homes Officers navigate GDPR, procurement and legal
- **Empty home stuck in probate?** We can help move the process forward





FRASER  FRASER
SINCE 1969



GDPR for Empty Homes Officers

20 March 2024

Andrew Gallie

Partner, VWV Law Firm

What we are going to cover

- What is GDPR / data protection law?
- What data protection law is not!
- What is personal data?
- When can you use personal data?
- How should you share personal data?
- Data Protection and Digital Information Bill latest



What is data protection law?_____

- Framework for the protection of personal data in the UK
- UK GDPR and “data protection law”, how it all fits together:
 - The UK GDPR;
 - Data Protection Act; and
 - The Privacy Regulations

What is data protection law

Continued

- Governs what you need to do in order to hold and use personal data
- Principles based – sets out expectations of how you will deal with personal data
- Comply with the seven principles found in the UK GDPR



What data protection law is not! —————

- It's not a bar to using personal data – you just have to obey the rules if you are using it
- It's not about dead people – only applies to information about those that are living

What is personal data?

- Information about a living person:
 - Who can be identified from that information (whether directly, or indirectly), and
 - That is about them, or relates to them
- Look at the context in which you are holding or using information



When can you share personal data?

- Whenever it is: LAWFUL, FAIR, and TRANSPARENT
- When it is lawful?
 - When it's for a public task carried out in the public interest – such as to locate the owners of empty homes
 - When it's necessary for a legal obligation
- Fairness: using personal data in a way that someone would reasonably expect
- When is it transparent? Being open and honest with people and providing your privacy notice where you can



How should you share personal data?—

- Securely
- Under an agreement if there is a data processor arrangement
- Under an agreement if otherwise helpful
- The agreement can make it clear what you are responsible for (the lawful sharing of data), and what the recipient is responsible for (dealing with the data lawfully once they have it)

Consent? ---

- Consent to share data must be a genuine choice, and it must be freely given, specific and informed
- MUST be able to withdraw consent at any time
- If you have another lawful basis (such as public task or legal obligation), you don't need/can't rely on consent
- Consent is very problematic, avoid wherever possible!

Data Protection and Digital Information Bill latest

- What has happened so far:
 - Government consultation
 - Introduced in its original form in 2022
 - Re-introduced in March 2023
 - New in the House of Lords. Will it become law before the election?

Notable changes

- Reduction in red tape but much difference in practice? E.g. DPIAs to become “Assessment of High Risk Processing”
- Definition of personal data amended
- SRI to replace DPO:
 - Who can be the SRI?
 - SRI must be part of the “senior management” as defined
 - SRI can delegate tasks



Questions?





Andrew Gallie

VWV Law Firm

agallie@vww.co.uk

07467 220831

Nick Beetham

Fraser and Fraser

nickbeetham@fraserandfraser.co.uk

020 7832 1400

