
STATUTORY INSTRUMENTS

2020 No. 1586

**The Data Protection, Privacy and Electronic Communications
(Amendments etc) (EU Exit) Regulations 2020**

Amendments to the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019

5.—(1) Schedule 2 is amended as follows.

(2) In paragraph 85, for “exit day, in each of the three places where it appears, substitute “IP completion day”.

(3) In paragraph 101(4)(b), for “exit day” substitute “IP completion day”.

(4) In paragraph 102, in the Schedule inserted by that paragraph—

(a) in paragraph 1, for “exit day” substitute “IP completion day”;

(b) in paragraph 2—

(i) in sub-paragraph (1), for “exit day”, in each of the four places where it appears, substitute “IP completion day”;

(ii) in sub-paragraph (2), for “exit day”, in both places where it appears, substitute “IP completion day”;

(c) in paragraph 3(1), for “exit day”, in each of the five places where it appears, substitute “IP completion day”;

(d) in paragraph 4(1), for “exit day” substitute “IP completion day”;

(e) in paragraph 5—

(i) in sub-paragraph (1), for “exit day”, in each of the three places where it appears, substitute “IP completion day”;

(ii) in sub-paragraph (2)—

(aa) omit paragraph (l);

(bb) at the end insert—

“(m) Commission Implementing Decision (EU) 2019/419(1) of 23rd January 2019 pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council on the adequate protection of personal data by Japan under the Act on the Protection of Personal Information.”;

(iii) in sub-paragraph (4), for “exit day” substitute “IP completion day”;

(f) in paragraph 7—

(i) in sub-paragraph (1), for “exit day” substitute “IP completion day”;

(ii) in sub-paragraph (2), for “exit day” substitute “IP completion day”;

- (iii) in sub-paragraph (5), for “exit day”, in each of the three places where it appears, substitute “IP completion day”;
- (g) in paragraph 9—
 - (i) in sub-paragraph (1), for “exit day” substitute “IP completion day”;
 - (ii) in sub-paragraph (2), for “exit day” substitute “IP completion day”;
 - (iii) in sub-paragraph (5), for “exit day” substitute “IP completion day”;
 - (iv) after sub-paragraph (5), insert—
 - “(5A) For the purposes of sub-paragraph (2), binding corporate rules which, immediately before IP completion day, provided for the appropriate safeguards referred to in Article 46(1) of the EU GDPR by virtue of Article 46(5) of the EU GDPR but which were authorised other than by the Commissioner are to be treated as authorised by the Commissioner where—
 - (a) a valid notification of the rules has been made to the Commissioner,
 - (b) the Commissioner has approved them, and
 - (c) that approval has not been withdrawn.
 - (5B) A notification is valid if it—
 - (a) is made by a controller or processor established in the United Kingdom,
 - (b) is made to the Commissioner before the end of the period of 6 months beginning with IP completion day, and
 - (c) includes—
 - (i) the name and contact details of the data protection officer or other contact point for the controller or processor, and
 - (ii) such other information as the Commissioner may reasonably require.
 - (5C) Where a valid notification is made the Commissioner must, without undue delay—
 - (a) decide whether or not to approve the rules, and
 - (b) notify the controller or processor of that decision.”;
- (h) in paragraph 10(1), for “exit day” substitute “IP completion day”;
- (i) in paragraph 11(1)—
 - (i) for sub-paragraph (1)(a) substitute—
 - “(a) an EEA state;
 - (aa) Switzerland;”;
 - (ii) in sub-paragraph (1)(c), for “exit day”, in both places where it appears, substitute “IP completion day”;
- (j) in paragraph 11(3), for “exit day” substitute “IP completion day”;
- (k) in paragraph 13—
 - (i) in sub-paragraph (1), for “exit day” substitute “IP completion day”;
 - (ii) in sub-paragraph (2), for “exit day” substitute “IP completion day”;
- (l) in paragraph 14—
 - (i) in sub-paragraph (1), for “exit day” substitute “IP completion day”;
 - (ii) in sub-paragraph (2), for “exit day” substitute “IP completion day”;
- (m) in paragraph 15, for “exit day” substitute “IP completion day”;

- (n) in paragraph 16, for “exit day” substitute “IP completion day”;
- (o) in paragraph 17(1)(a), for “exit day” substitute “IP completion day”.