

As Japan becomes 'adequate' for data protection laws...will the UK soon become 'inadequate'?

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29 January 2019

On 23 January 2019, the European Commission and the Personal Information Commission of Japan, concluded a two-year-long dialogue and jointly announced the adoption of the decisions recognising each other's personal data protection systems as 'equivalent'.

This means that businesses all over the EEA (which includes the UK...at least for the next 8 weeks..) can easily transfer personal data to Japan in a 'frictionless' exchange, without the need for safeguards that would apply to non-EU countries.

It is likely to be hugely beneficial to Japan and the EU but begs another question for the UK – will the UK be 'adequate' after 29 March this year?

Will the UK meet the adequacy test?

Upon Brexit the UK will cease to be an EU Member State and become a so-called 'third country'. This is a serious concern because transfers of personal data from the EU to third countries are severely restricted.

While the UK has announced it will adopt all current adequacy decisions of the EU upon exit, the EU will need to assess the UK's privacy framework as equivalent and has given no similar assurances. Indeed there are indications that the UK may well be considered 'inadequate' meaning transfers from the EU to the UK would require safeguards in place at least until the UK obtains its own 'adequacy' decision (which typically takes two years).

What does this mean for you?

If you currently receive personal data from the EU (including from other parts of your own business) you may need to ensure that you have safeguards in place prior to Brexit, to make sure that flow of data can continue. We can help with these. We have written up a short blog on what to consider [here](#).

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