

# No-Deal Brexit statement - Final

Last updated 24<sup>th</sup> April 2019

Dear Colleagues

Following on from the agreement to extend Article 50 and delay Britain's departure from the European Union until the 31<sup>st</sup> October 2019, further discussions are taking place to determine the terms of the UK's withdrawal, although the most likely scenario remains a formal withdrawal agreement (deal). It is also likely that the UK might leave before this date, provided agreement is reached by the EU and UK before then.

The below update is aiming to provide our clients with a reassurance on the work and planning taking place behind the scenes, to ensure that it is "business as usual" for HRW in the event of a no-deal Brexit.

## Appointing a representative

In the event of a no-deal Brexit and as a non-EEA controller/processor, we will need to designate a representative in the EEA in accordance with Article 27 of the GDPR. In the event this becomes necessary, as part of MMR group of companies, our intention is to designate as our representative an MMR group affiliate company established in the Netherlands. We will also update our data processing and privacy notices to transparently reflect these new arrangements.

## Instances when HRW is the controller / joint data controller

As a data controller, we will continue to be bound by the extra-territorial scope of the GDPR whenever our processing activities relate to our service offering to EU data subjects, or the monitoring of their behaviour within the EU. We fully acknowledge this and already undertook significant work in preparation for the GDPR in the run up to May 2018. The GDPR has been law in the UK for nearly a year now, and the UK data protection law after Brexit has been designed with GDPR standards in mind.

In the instances where you receive personal data from us (e.g. sharing non-anonymised video outputs of interviews or adverse events reports), we will continue to provide you with such personal data relating to EU data subjects as you will continue to be required to treat such data in accordance with the GDPR by operation of law.

In the case of personal data relating to UK data subjects, the UK legislation implementing the UK's exit will also operate to retain GDPR standards in UK law, with some consequential changes to remove references to the role of EU institutions and procedures. The UK government has stated it will use regulation making powers to transitionally recognise all EEA countries as providing an adequate level of protection, so we can continue to transfer UK data subject personal data to you as a controller without entering Standard Contract Clauses or similar.

## Instances when HRW is the the data processor

When we carry out an assignment for you, we will process personal data you provide (for example target list of customers) as agreed in the brief and in accordance with your instructions. As matters stand, we act as a data processor for our clients in respect of such personal data and the fact of Brexit will not change this relationship.

Instead, in the event of a no-deal Brexit and with no immediate finding of adequacy regarding the UK data protection regime, we will need to put in place an EU approved mechanism to allow the transfer of personal data from the EU to the UK as a third country. We consider the most straightforward option will be to use the European Commission approved Controller to Processor Standard Contractual Clauses. So, if the likelihood of a no-deal Brexit increases in the lead up to 29 March 2019, it is our intention to enter such model clauses with our clients as is required to allow continued data transfer.

## What about the result of meaningful vote of 12<sup>th</sup> of March 2019

Following the outcome of the 12<sup>th</sup> of March meaningful vote on the governments final position on the Brexit deal, whilst it has offered some positivity around rejecting a no-deal Brexit, the political situation remains unclear. As such, regardless of any future outcome, HRW will continue to provide services to all our clients and review our policies and procedures to ensure no impact on daily operation is maintained.

As always, we are committed to staying ahead of any decision and have a plan for a seamless transition regardless of the outcome.

**We hope the above provides a helpful summary of our current thinking. If you would like to arrange a call to discuss any points arising from this communication, please contact Yuliya Fontanetti, Operations and Compliance Director, on +44 (0) 1491 822515.**

