

PrivacyWatch

September 9, 2020

I hope this email finds you and yours safe and healthy. This update will be distributed on an intermittent basis to help inform BDO clients about the ever-changing global privacy and data protection landscape.



CAYMAN ISLANDS & CARIBBEAN PRIVACY

BERMUDA PRIVACY MEANS BUSINESS: HOW INVESTING IN A PRIVACY PROGRAMME PAYS OFF

Privacy management programmes often seem like a sunk cost - something you must spend money on and never see a return on that investment. However, recent studies into the benefits of these programmes have shown that they will in fact improve the business's efficiencies and competitive standing in a manner that repays the business in a variety of ways. The idea that a privacy programme makes business sense has two basic aspects: the potential to reduce losses and the potential to earn money.

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INTERNATIONAL PRIVACY

- **Government Accountability Office Issues Report on Commercial Use of Facial Recognition Technologies, Highlights Privacy Concerns:** On August 11, 2020, the United States Government Accountability Office ("GAO") issued a [report](#) on facial recognition technology, noting concerns of privacy and accuracy. The report highlights the difficulties facial recognition technologies face with certain demographic groups and the privacy implications of the collection, storage, and processing of individuals' facial data without obtaining explicit consent. The GAO recommends that Congress adapt the consumer privacy framework to acknowledge facial recognition and other emerging technologies.
- **EU and U.S. Authorities Re-Evaluate EU-U.S. Privacy Shield:** On August 10, 2020, the European Commission and the U.S. Department of Commerce issued a joint [statement](#) announcing the start of discussions evaluating the potential of a strengthened EU-US Privacy Shield framework designed to comply with the Court Justice of the European Union's ("CJEU") recent decision to invalidate the existing EU-US Privacy Shield. Both the European Commission and the U.S. Department of Commerce recognized the importance of EU-U.S. data transfers and the necessity to facilitate transfers for economic activity. Companies should note that the existing EU-U.S. Privacy Shield was ruled invalid, effective immediately, by the CJEU on July 16, 2020.

- **Danish Data Protection Authority Updates Guidance on Records of Processing Activities:** On August 10, 2020, the Danish Data Protection Authority announced an update to its guidance regarding records of processing activities. The update provides further clarity regarding what information must be contained within processing activity records and what categories of personal data are disclosed to third parties as part of the processing activity. Companies should note that organizations are required to maintain records of processing, also known as “processing activity registers”, under Article 30 of the General Data Protection Regulation (“GDPR”). The updated guidance, available only in Danish, can be viewed [here](#)

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This information has been collected through a number of sources including but not limited to BDO’s public research, research using BDO’s One Trust Data Guidance subscription, and the International Association of Privacy Professionals.



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