

# DATA PRIVACY | 6 TOPICS ON OUR MIND

## Data commercialisation

- UK and EU Govts have endorsed data use/sharing as growth-drivers, including through new smart data initiatives
- New duties on regulators to promote innovation (e.g. Data (Use and Access) Bill and Government letters to regulators).
- Huge potential opportunities, but critical to weigh against evolving regulatory and reputational risks.
- Data hygiene (e.g. accuracy) and good data governance are key but remain challenging.

## AI, tech and digital regulation

- How to make sense of evolving guidance and available standards.
- Global discussions (e.g. AI Safety Summit) but common risks managed differently e.g. EU's AI Act v UK's sector specific approach.
- Gen AI creates opportunities and risks - regulator guidance and enforcement developing.
- Data privacy compliance challenges of web-scraping for AI training.
- Implications for, and role of, DP teams.

## Data governance

- Do you have a data strategy and who is responsible for implementing it?
- How embedded is your data governance?
- Are your processing contracts reflecting requirements from the latest EDPB guidance?
- Keeping processes simple and using existing tools can help.
- How to get buy-in from relevant stakeholders?
- How to factor ethical use of data in governance frameworks?

## Cyber and data breach risk

- Cyber/data breaches are a key risk requiring board-level engagement and effective management.
- Ransomware attacks are increasing. AI and new tech (e.g. AI) create new risks.
- Well-negotiated contract terms can facilitate effective management of supply chain attacks.
- Testing and reviewing response plans critical in practice (and to maintain insurance coverage).

## Enforcement and litigation

- Different regulator enforcement priorities and tools (e.g. cookies in the EU/UK, ICO using public reprimands/settlements and US FTC priorities).
- Potential impact on location of more innovative data activities and/or investment?
- Parallel enforcement within and outside jurisdictions (e.g. US states/EU/UK) require local specialists and global coordination.
- Differing litigation trends between jurisdictions.
- Can group structures help manage risk?
- Individuals' rights exercised in tactical ways.

## A changing regulatory landscape

- How to manage the multitude of differing DP laws across the world - GDPR no longer the only "gold standard"?
- Impact of UK privacy reforms under the Data (Use and Access) Bill.
- Interaction of forthcoming data and digital laws with data privacy and impact of regulatory co-ordination (e.g. DRCF).

### Who we are and what we do

As data is increasingly seen as a valuable yet vulnerable asset, our expert global Data Privacy team delivers strategic, pragmatic and commercial advice that supports the management of data risk against a fast-moving regulatory backdrop.

We support our clients on all aspects of data privacy risks across the world, including data governance, monetisation strategies, implications of AI and the design of new digital products and services. This includes more contentious work, including complex DSARs, data breaches, regulatory enforcement and privacy-based claims as well as where data privacy is used as a tool in wider commercial, employment or regulatory disputes and investigations.

We are at the forefront of legal developments in the UK, Europe and beyond through our network of industry experts, regulator contacts and relationship firms around the world. Our Data Privacy team sits within our wider Tech stream and work seamlessly across the scope of the evolving digital water-front, collaborating with our other expert hubs, including cyber and digital regulation, with cross membership between these other hubs to enable us to provide joined up and pragmatic advice where relevant.

For further information on our practice or our team, please do get in touch with any of the below.

### Your key contacts



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