

Legislation Outlook

August 2017

Tailored updates to legislation are automatically delivered direct into your [Activ Comply](#) system as they come into effect so you can be confident that you're always up to date.

This monthly legislation briefing is a supplement to your Activ Comply service to help you to plan ahead for maintenance of your ISO 14001, OHSAS 18001, ISO 50001 and ISO 27001 systems. In addition to giving you advance warning about important legislation that will affect your compliance with the standards, we'll provide you with news, newly-published guidance and government consultations that you might find useful, as well as any other significant legislation beyond the scope of the standards listed that we think may have a potential impact on your organisation. Unlike other services, we only report items of value: we don't waste your time reporting an increase of administrative fees or changes that will only affect enforcement agencies.

This month we start our **GDPR Focus** to help you prepare for the new data protection regulations. Each month we will focus on a different aspect of the new requirements.

Upcoming Standard-Related Legislation

ISO 14001

Bat Habitats Regulation Bill

This Bill proposes to prohibit any building on a previously undeveloped site in England and Wales unless a local bat survey has been carried out. The Bill received its first reading before Parliament on 3 July 2017. Whether this Bill becomes law will be decided by Parliament over the coming months; we will, of course, keep you updated

OHSAS 18001

Motor Vehicles (Construction and Use) (Amendment) Regulations (Northern Ireland) 2017

These regulations will come into force on 6 November 2017 and amend the requirements in Northern Ireland for fire extinguishers fitted to minibuses, which will be required to have a minimum test fire rating of 8A or 34B (as specified in BS EN 3-7:2004+A1:2007), contain water or foam, and have a minimum capacity of two litres.

ISO 27001

Digital Economy Act 2017 (Commencement No. 1) Regulations 2017

These Regulations bring into force various provisions of the Digital Economy Act 2017 on specified dates over the next 18 months.

From 1 October 2017, the maximum sentence for copyright infringement will be extended from a two-year sentence to ten years. Also from that date, the owner of a registered design will be able to provide notice of their rights by marking their products with either the specific registered design number or the web address of a webpage which clearly associates the product with the registration number.

From 1 October 2018, mobile phone service providers will be required to offer customers the option of placing a limit on their bill. Where a limit is set, the provider must notify the customer (so far as practicable) in reasonable time if a limit is likely to be reached and as soon as practicable when a limit is reached. The limit may only be exceeded if the customer agrees after being notified.

Other Legislation

European Union (Withdrawal) Bill

In July the Government published its long-awaited Bill for dealing with EU legislation after the UK withdraws from the EU. The Bill ensures that **all pre-Brexit EU law will remain in force after the UK leaves the EU**, so if your legal register currently lists any EU Regulations, they will still be listed immediately after Brexit.

The Bill also grants powers to the Government to make regulations to remedy any failure of the retained EU law to operate effectively after the UK's withdrawal. We anticipate that these powers will be used extensively to deal with practical matters that are likely to need to be resolved such as implementing new enforcement bodies and removing from legislation any EU references that are no longer appropriate. As with all changes to legislation, Activ Comply will keep you fully informed.

News

Government to Discuss Building and Fire Regulations with Safety Experts

The Government has agreed to meet with safety bodies for talks on building and fire regulations in the aftermath of the Grenfell Tower disaster. The announcement was made during a debate in the House of Lords that was prompted by an open letter to Theresa May with more than 1000 signatories (including the British Safety Council and the and Royal Society for the Prevention of Accidents) which called for 'a change in mind-set' on safety regulation.

Record Global Renewable Energy Capacity Installed in 2016

REN21, the global renewable energy policy network, has reported that a record 161 gigawatts of renewable power capacity was installed globally in 2016, an increase of nearly 9% over 2015, as renewables become less costly than fossil and nuclear fuels. A BP study also showed that coal consumption globally fell to its lowest recorded share of primary energy consumption since 2004. Despite this, REN21's research indicates that the transition to renewables is not happening fast enough to achieve the Paris Agreement goal to keep global warming below 2°C.

Guidance

The Department for Communities and Local Government has issued **guidance for owners of high rise buildings** in relation to the checking and testing process of the combustibility of filler material in aluminium composite material. The guidance is available [here](#).

Consultations

The European Commission is seeking views on **waste microplastics entering the marine environment** [here](#).

DEFRA has published the responses to its consultation on **reducing roadside nitrogen dioxide** [here](#).

GDPR Focus: Scope

Are you ready for the **General Data Protection Regulation**? The GDPR comes into force in May 2018, so there is now less than a year to prepare for the new data protection requirements. This month we focus on the **scope** of the GDPR.

So, does the GDPR apply to you? For almost all UK organisations, the answer is "YES". The GDPR applies to all organisations whose activities involve the **processing of personal data**.

Personal data is simply any information relating to an identified or identifiable person.

An identifiable person is someone who can be identified, directly or indirectly, from the data held on them. This could include identification by reference to a name, an identification number, location data, an online identifier (such as an IP number) or to factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the person.

This is more detailed than the current definition of personal data in the Data Protection Act 1998 and allows for a wide range of personal identifiers to constitute personal data, reflecting changes in technology and the way organisations collect information about people. For most organisations, this change means that you can assume that **any information you hold or manage relating to an individual person will fall within the scope of the GDPR**.

Processing is defined in the GDPR as any operation which is performed on personal data, including collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

This covers pretty much everything you could possibly do with personal data, so if you do anything at all to information that can be used to identify a person, you will need to make sure that you are GDPR compliant before May 2018.

More on the GDPR next month!

Like to know more?

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Watch the video

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