activcomply
intelligent legal compliance

Legislation Outlook

January 2018

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 outlook 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.

A swathe of new legislation was published during December, the vast majority of which came into force on 1 January 2018. All short-notice legislation is issued directly into Activ Comply and you will already have been alerted about anything that may impact your organisation via Activ Comply.
In our regular **GDPR Focus** item, this month we provide guidance on the new statutory role of the Data Protection Officer.

0333 301 9003
legal@myactiv.co.uk
www.activcomply.co.uk

Upcoming Standard-Related Legislation

ISO 14001

Environmental Protection (Microbeads) (England) Regulations 2017

These Regulations come into force on 9 January 2018 and make it an offence for plastic microbeads to be used in the manufacture of a rinse-off care product in order to reduce the release of plastic into the marine environment and lessen harm to marine organisms caused by this form of microplastic. From 19 June 2018, it will also become an offence to sell (or offer for sale) such products.

OHSAS 18001

Ionising Radiation (Medical Exposure) Regulations 2017

These Regulations will come into force on 6 February 2018 to regulate dangers arising from ionising radiation in relation to medical exposure. They revoke and replace the **Ionising Radiation (Medical Exposure) Regulations 2000**. The main changes made by the new Regulations are:

(i) the introduction of a new dual licensing system for employers and practitioners;
(ii) a clear definition of the role and certification requirements of the Medical Physics Expert;
(iii) a requirement that patients are informed of the benefits and risks of a procedure before the exposure takes place; and
(iv) a widening of scope to include medical equipment that is used for non-medical imaging purposes.

News

Interim Report on Independent Review of Building Regulations and Fire Safety Published

Dame Judith Hackitt has released an interim report of her independent review, commissioned following the Grenfell Tower disaster. The interim report concludes by stating that the current regulatory system for ensuring fire safety in high-rise and complex buildings is not fit for purpose and makes a call for professional bodies to work together to develop a more robust fire safety system.

2017 was UK's Greenest Year for Electricity Generation on Record

According to statistics released by National Grid, the past year was the greenest on record in relation to the proportion of power generated from clean sources. Renewable technologies and low carbon innovations have helped achieve a number of notable milestones including, in April, the first 24-hour period without using any coal power since the Industrial Revolution, and, in June, the first month where wind, nuclear and solar power generated more power than gas and coal combined.

0333 301 9003
legal@myactiv.co.uk
www.activcomply.co.uk

Guidance

Fire Safety: External Wall Systems

The Department for Communities and Local Government has published an advice note for the anyone responsible for the fire safety of residential buildings over 18 metres in height who are concerned about the fire safety implications of external wall systems.

Icy Conditions and Winter Weather

The Health and Safety Executive has provided guidance on measures to deal with icy conditions and winter weather in order to reduce the risk of a slip or trip.

GDPR Focus: The Data Protection Officer Role

In December we provided guidance on which organisations will need to appoint a **Data Protection Officer** (DPO). This month we focus on who can be designated as a DPO and the responsibilities associated with the role.

Qualifications

The GDPR is not prescriptive in specifying the qualifications necessary for a DPO, merely stating that the DPO must have professional qualities, expert knowledge of data protection law and practices and the ability to fulfil the specified DPO tasks.

Guidance issued by the EU's Article 29 Data Protection Working Party states that the level of expertise required should correspond to the sensitivity, complexity and amount of data an organisation processes.

A DPO can be an employee, or appointed on the basis of a service contract, but should not be anyone whose other tasks could give rise to a conflict of interest for the DPO. The official guidance makes clear that anybody with a senior management position (e.g. CEO, COO, CFO, Chief Medical Officers, Head of Marketing, HR or IT) will not be eligible for DPO positions within their own organisation. The same would be true for people having lower roles within the organisation if their roles lead to the determination of purposes and means of processing.

Tasks of the DPO

The DPO must:

(i) report directly to the highest management level within the organisation;
(ii) be contactable by data subjects with regard to all issues related to processing of their personal data and to the exercise of their rights;
(iii) be bound by secrecy or confidentiality concerning the performance of his or her tasks, including in relation to communications with employees;
(iv) inform and advise the organisation and its employees in relation to the protection of personal data;

0333 301 9003
legal@myactiv.co.uk
www.activcomply.co.uk

(v) monitor the organisation's compliance in relation to the protection of personal data, including the assignment of responsibilities, awareness-raising and training of staff involved in processing operations, and the related audits;
(vi) provide advice, where requested, in relation to data protection impact assessments;
(vii) cooperate and act as a contact point with the Information Commissioner's Office.

Organisation Obligations

The organisation also has the following obligations that need to be fulfilled in relation to the DPO role:

(i) ensuring that the DPO is sufficiently involved in all issues which relate to the protection of personal data;
(ii) providing the necessary resources to enable the DPO to carry out their functions and maintain their expert knowledge;
(iii) not issuing any instructions about the exercise of the specified DPO tasks.

Next month we'll be looking at when a **data protection impact assessment** will need to be carried out.

Need help with GDPR?

Compliance is our expertise. We offer a straightforward Gap Analysis service for GDPR to review your arrangements and detail exactly what you need to do to comply. You'll receive a comprehensive report that sets out your current compliance level, highlights any gaps, and provides a sensible, proportionate action plan to close those gaps.

Already know where your gaps are? Our experienced consultants will design and implement the necessary controls to ensure that you achieve compliance.

Already compliant with the GDPR? We offer an ongoing maintenance service tailored to your unique circumstances. Ranging from a simple annual check-up through to a fully-outsourced Data Protection Officer service, our expert consultants will ensure that you remain compliant.

Please contact our friendly team for a no-obligation discussion or fixed price quotation.

GDPR is now in Activ Comply

The requirements of the GDPR are now available in your Activ Comply system as a supplementary 'standard' at no extra cost.

Contact us to switch this feature on for you.

0333 301 9003
legal@myactiv.co.uk
www.activcomply.co.uk