

READY FOR THE FUTURE ISSUE 2

“ 25% ”

of businesses we surveyed
have considered other markets
for their business outside the
EU since the Brexit vote.

”

**A PASSION
FOR PEOPLE**

**harrison clark
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S O L I C I T O R S

Are you ready?

T	N	E	M	S	S	E	S	S	A	T	C	A	P	M	I	R
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1. What is the General Data Protection Regulation most commonly known as? _____
2. What type of information does the GDPR regulate? _____
3. You and your business must be GDPR _____ by 25th May 2018.
4. Under the GDPR, _____ cannot be obtained by pre-ticked opt-in boxes, and must be given clearly by an affirmative action.
5. What are you if you are the holder of any personal data? A Data _____
6. Under the new GDPR obligations are placed on the Data _____, who is now also liable for failures to comply with the GDPR.
7. Under the GDPR what must you notify the ICO of within 72 hours, describing the actions you are taking to address it? _____
8. A new right available to Data Subjects in the GDPR is the right of Erasure. This is commonly known as the right to be _____
9. A Data Controller must be _____ in providing information about itself, a Data Subject's rights and the purpose(s) of processing any personal data.
10. A Data Protection _____ is required by the GDPR to ensure you are compliant with the principle of Accountability and are designing privacy into data processing by default.
11. You must make sure your _____ is GDPR compliant and displayed clearly on your website, detailing how you collect and use visitors' personal data.
12. Encryption of personal data is an example of the high level of _____ required under the GDPR.

Test your GDPR knowledge and send your entry with your tie-breaker to campaigns@hclaw.com by 31st January for chance to win a bottle of bubbly.

Tie-Breaker Question - What do you believe to be the biggest opportunity as a result of implementing GDPR?

Chaos or opportunity?

BREXIT and the agri sector

The first duty of government, it is said, is to feed its people. Successive governments challenged the farming sector to raise its standards, to produce more and to mechanise. Farms became industrialised and labour costs reduced, all in the drive towards efficiency and to create cheap food.

Europe became the market place of choice, with a streamlining and narrowing of all regulations to a unified European regulation model, to get our agricultural products to the world's richest market. Some of these regulations have been hard and others not well received. This led to some voting with their feet, and Brexit. Whether they will be right to believe that we will end up with a more lightly-regulated agricultural sector is anyone's guess, but knowing how our regulators have contributed to the debate when setting these European regulations, the signs are not positive.

One current example of this is the issue of nitrates in our rivers and the European water directive. Under this regulation the UK was obliged to bring levels of nitrates below a prescribed level and to make active efforts to reduce them further. Because of this, the UK has been keen to reduce nitrate levels - directly affecting our farmers - but has demanded greater reductions, when it could be argued that our regulatory efforts have already been sufficient.

What does this mean for the future? At the negotiating table in the past, UK farmers could rely on those countries with powerful farming lobbies, like France, to try to reduce the harsher demands of the environmental lobby and the related regulatory obligations. Now, without their support, we may see those powerful lobby groups in the ecology and fishing sectors leading the agenda.

This may create conflict between those who wish to control agriculture further in terms of its environmental and regulatory duties, and the Brexit campaigners who envisaged a regulation-light, free trade, buccaneering nation.

How will this end? Some believe there will be a simple cross adoption of European legislation, others believe it will be a more complex picture. It will not be a surprise to anyone with experience of the sector if groups with an environmental or farming agenda seize on this uncertainty and use their lobbying power to push their demands through.

Regulations within Europe were established to facilitate trade and maintain certain standards. Those standards will still have to be maintained if we are to trade with Europe and this will always be the case, particularly in the food industry.

We will see how the agricultural regulatory sector develops, what level of protection will be provided and how much freedom will be given to develop larger farming entities and higher levels of production in a world market.

There is cause for concern, there is a need to be engaged but as it was best described on HBO's Game of Thrones, "Chaos is not a pit, it is sometimes a ladder to different opportunities."



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What's your passion?

By Rob Cobley,
Commercial

"Being part of a client's team, helping them to maintain their competitive edge and protecting their business. This means we can provide expert advice when our clients are making decisions on how the GDPR affects them.

"The GDPR presents our clients with an opportunity to better understand and manage the data they hold about their customers. For those early adopters taking our advice, we know it has already helped lead to better customer engagement and opportunities."



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Partner, Commercial**

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66 **61%**

of UK companies, according to NTT Security's 'Risk:Value 2017' report, are not aware of the potential compliance issues for their business of the GDPR regulations. 99

Your questions about

A year after the Brexit referendum, we asked South West businesses key questions about its impact – we reflect on their views and offer our advice on how to be ready to make the most of Brexit in 2018.

Question 1 | What puts you off exploring markets outside the EU?

“Business owners are concerned about understanding local markets, identifying opportunities, having the right contacts and mitigating legal risk, but the opportunities outside the EU are huge – the EU only accounts for about 15 per cent of the global economy and we have a proud history of trading much further afield.

“A measured approach, focusing on just one market at a time, makes it easier to research new markets. For instance, in addition to the obvious giants like the US, India and China, other less obvious countries provide significant opportunities for certain sectors. For example, Ukraine has a population of over 45m and is in need of agri tech, infrastructure and other commodities.

“Use the internet for your initial research, then choose an advisor who can support you fully with any transactions across boundaries, who understands the risks you face and can help reduce them.”



Nicolas Groffman - Head of International
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Question 2 | Where are the potential markets for your business?

“Almost 60 per cent of respondents felt that the US was a potential market for their product or service – not surprising because it is the largest economy in the world and has (broadly) the same language.

“In order to stand out and raise your profile, it is appropriate to refer to your heritage in your marketing – products and services focused on ‘Britishness’ do particularly well in the US. But US consumers and firms can be litigious – make sure your contracts and T&Cs are drafted by a lawyer who has experience of working with US companies and defending actions in your chosen jurisdiction.

“To counteract Trump’s promise to bring back jobs to the US, which could hit imports, consider setting up a US sales office or agency to employ local people, thus making your business more American. You could also consider a joint venture.”



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Question 3 | Are your employees from the EU?

“25 per cent of companies in the South West who employ a significant number of workers from the EU are worried about the impact of Brexit on their business. EU nationals need to understand the impact of Brexit on their immigration status and business owners want to protect their business continuity.

“Support and encourage early applications for permanent residence for those who qualify, either using the current application process or the ‘settled status’ process expected to be available shortly. If EU migrants continue to opt out of working in the UK, employers will need to find creative ways to attract and retain UK workers, for example by offering training, career progression or re-skilling existing staff. In sectors already struggling with cuts and tight margins, this is challenging.”



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Getting ready for the future



If you want to know more, come along to one of our events hosted by sector experts.

- GDPR – we are hosting two bespoke events during March, where you will get the opportunity to hear from our team of experts and ask your questions. To find out more visit www.hcrlaw.com/events
- Employment and Brexit - understand how to minimise and manage the loss of migrant workers.

To find out more visit www.hcrlaw.com/events

Your Journey to Compliance



In less than five months, one of the biggest changes in data protection and privacy regulation will take effect – have you started your journey to GDPR Compliance?

Our quick guide will help you to identify where you and your business are in the journey and what you need to do now to ensure that you are compliant before May 2018.

1 Lack of knowledge

You have little or no knowledge of what GDPR is, you may not even know what the acronym means, let alone what it means for your business or the potential reputational risk to your business if you get this wrong.

To help companies understand the implications of GDPR and what they need to do, we have created an extensive range of articles, practical guides and other materials available via our website which are designed to give a user-friendly and accessible introduction to the new data protection regime coming into force in May 2018.

3 How does this affect me?

You now need to move from your general understanding of GDPR to more tailored guidance on what your sector and your business needs to do in order to comply.

At Harrison Clark Rickerbys we have established sector teams who understand the commercial context in which you operate and can help design your road map to compliance. This will typically start with 1-2-1 meetings with key stakeholders, following which we can work together to devise an action plan.

5 Implementing long-term change

By now, you know you will need to continue to integrate changes to your business processes and want expert help doing this.

This will mean training existing and new staff and monitoring your processes and policies to ensure they continue to be compliant. We can help you develop training resources, update your policies, notices and other data protection materials as well as carry out periodic compliance monitoring to make sure you continue to meet your obligations.

Call Rob Cobley today to find out what you need to do to be GDPR compliant - +44 (0)7791 894 955.

2 Awareness of issue

Through reading some articles or watching video content, you are developing an awareness of the scope and potential impact of GDPR and now need to deepen your understanding.

We have developed a programme of interactive seminars and workshops tailored to your needs that will provide you with an action plan to take back to your organisation – take a look at our current events listing at www.hcrilaw.com/events. We also work with organisations to deliver bespoke briefings for their employees.

4 Ready to act

Having made the decision that you need to do something, we can provide you with expert advice to inform your decision.

We can support you in designing, scoping and carrying out data audits and guide you in mapping how data flows within your business. Our experienced lawyers can help you update your existing documentation (data protection policies, terms and conditions, privacy notices and data processing agreements) to ensure compliance from May 2018.

Want to find out more?

Call us on 0845 900 7830

Email campaigns@hcrlaw.com

We'd love to have a chat.

Quote on front page:

HCRC survey conducted August 2017

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