

September 2022

Charting the UK Data Protection Profession



Foreword

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Welcome to the latest research findings from the UK Data Protection Index, brought to you by [Data Protection World Forum](#) and [The DPO Centre](#).

Over the past two years, we have surveyed our panel of UK-based Data Protection Officers (DPOs) every quarter, asking a consistent set of baseline questions. In the ever-shifting privacy landscape, this has allowed us to track changing attitudes and opinions over the long term. This quarter we asked our panel of 523 DPOs about a range of issues, including:

- Compliance within their organisations
- GDPR compliance challenges
- Budgetary expectations
- Confidence in the Information Commissioner's Office (ICO)
- UK data protection reforms
- Recent enforcement decisions around Google Analytics
- Machine Learning (ML) and Artificial Intelligence (AI)

Nick James, Founder of the Data Protection World Forum, said:

"This quarter saw some of the most significant developments in UK data protection since we began the Data Protection Index, including the introduction of legislation to overhaul data protection law and the ICO's publication of its new strategic plan.

It's extremely important that we seek the views of DPOs working 'on the ground' about the potential impact of these developments. This makes the Data Protection Index a very valuable resource."

Rob Masson, CEO of The DPO Centre, said:

The new Data Protection and Digital Information Bill plans to replace the role of DPO with a 'suitable senior individual', yet 74% of Index respondents suggest this proposal is not in the best interest of data subjects, 62% indicate it won't save money and 77% suggest it won't simplify privacy management. This sentiment was mirrored in the consultation feedback and by many influential organisations and rights groups, suggesting it could have a negative impact on the independence of the role and data subject rights.

It will be fascinating to see how the Bill progresses through Parliament, especially given the appointment of a new Secretary of State for Digital, Culture, Media and Sport, the changing of the Cabinet, a new Prime Minister, and the cancellation of the Bill's Second Reading. Therefore, as with Brexit and Schrems II before it, the data protection profession waits in anticipation for clarity to emerge from the current state of uncertainty and confusion.

The next survey results will be published in December 2022. If you are a privacy professional and you would like to join the panel and add your voice to future surveys, please [click here](#).

The UK Data Protection Index: Q3 2022 Report

Who is on the Panel?

Since the Data Protection Index launched in July 2020, 523 DPOs from across every part of the UK have taken part.

- Over 50% of respondents are from London and the South East of England. 5% are from Scotland, 1.3% from Northern Ireland and 2.9% from Wales.
- More than three-quarters of the DPOs (76.9%) are full-time, in-house employees. 15.1% are consultants or outsourced, and 6.1% are employed in-house on a part-time basis.
- Nearly a quarter (24.5%) of respondents work for companies with between 1,001-5,000 employees. However, all sizes of companies are represented, from firms with just 10 employees or less (6%) to businesses with a 10,000+ workforce (13.8%).

Compliance Within Respondents' Organisations

Since Q3 2020, we have asked DPOs to score how compliant they feel their organisation is with UK data protection laws, on a scale of 1 to 10 (with 10 being entirely compliant).

Fig.1 How compliant do you feel your organisation is with UK data protection laws?

Key Results

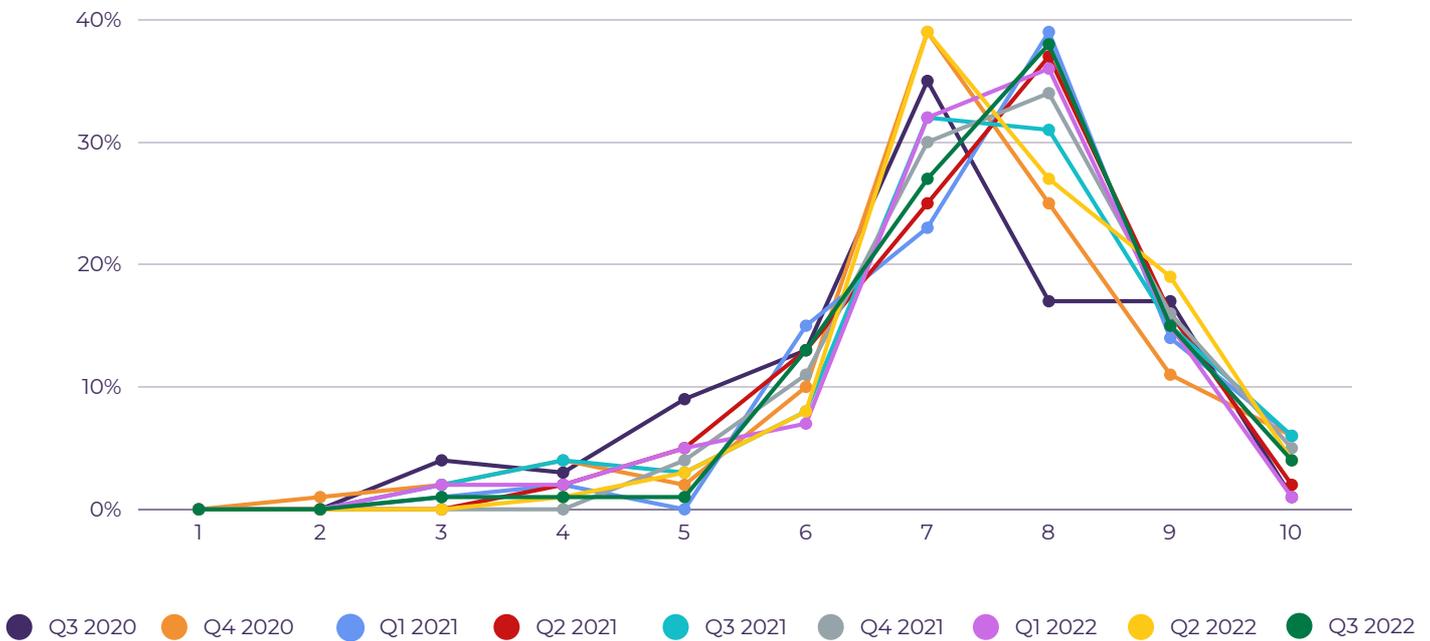


Fig.1 Compared to last quarter, the number of respondents scoring their organisation 8 or above has risen by 7 percentage points, from 50% in Q2 2022 to 57% in Q3 2022, suggesting that DPOs are feeling more confident in their organisation's data protection compliance.

Over the entire two-year period, the average proportion of respondents scoring their organisation's compliance at an 8 or above was 51%. The all-time high was in Q1 2021 (59%), and the all-time low was in Q3 2020 (35%).

We also asked DPOs how they rated their organisation's data protection compliance in specific areas.

Fig.2 Using the scale, how compliant would you rate your organisation's data protection compliance in the following areas - where 1 is 'Not compliant' and 10 is 'Entirely compliant' (Respondents scoring 8 or above)

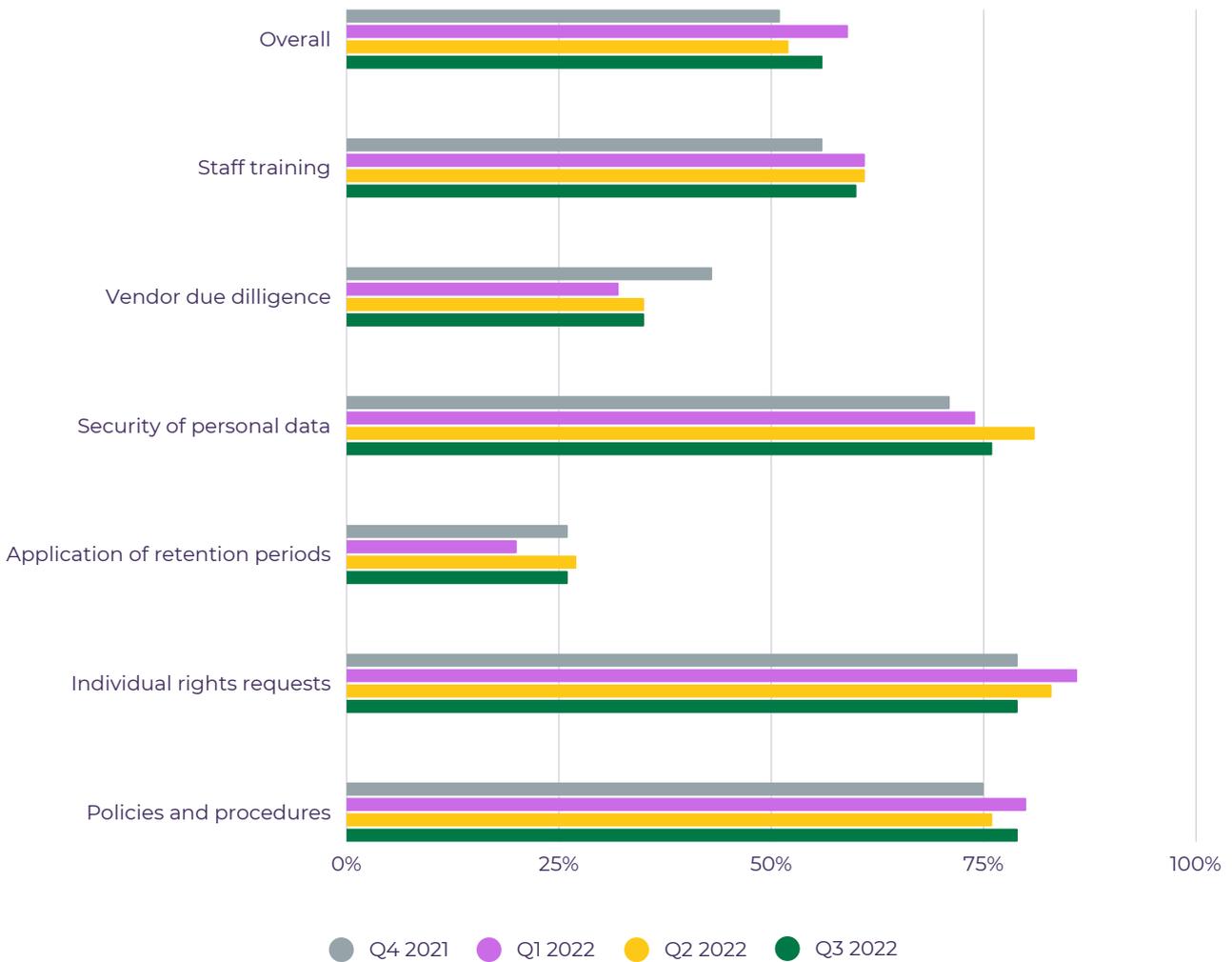


Fig.2

Respondents were least confident in their organisation's compliance with data retention requirements, with just 26% scoring their organisation at 8 or above in this category (down 1 percentage point from last quarter).

This quarter, respondents were most confident in their organisation's Compliance with requirements related to policies "policies and procedures" and "individual rights requests", with 79% of respondents scoring their organisation's at 8 or above in each category.

However, while confidence in compliance with "policies and procedures" is on the increase (up 3 percentage points from last quarter), Compliance with requirements related to policies has fallen (down 4 percentage points from last quarter).

Over the past two years, we have asked DPOs which issues they see as their organisation's biggest GDPR compliance challenge over the next 12-month period.

Fig.3 Which of the following issues do you see as your organisation's biggest challenge when trying to comply with GDPR over the next 12 months?

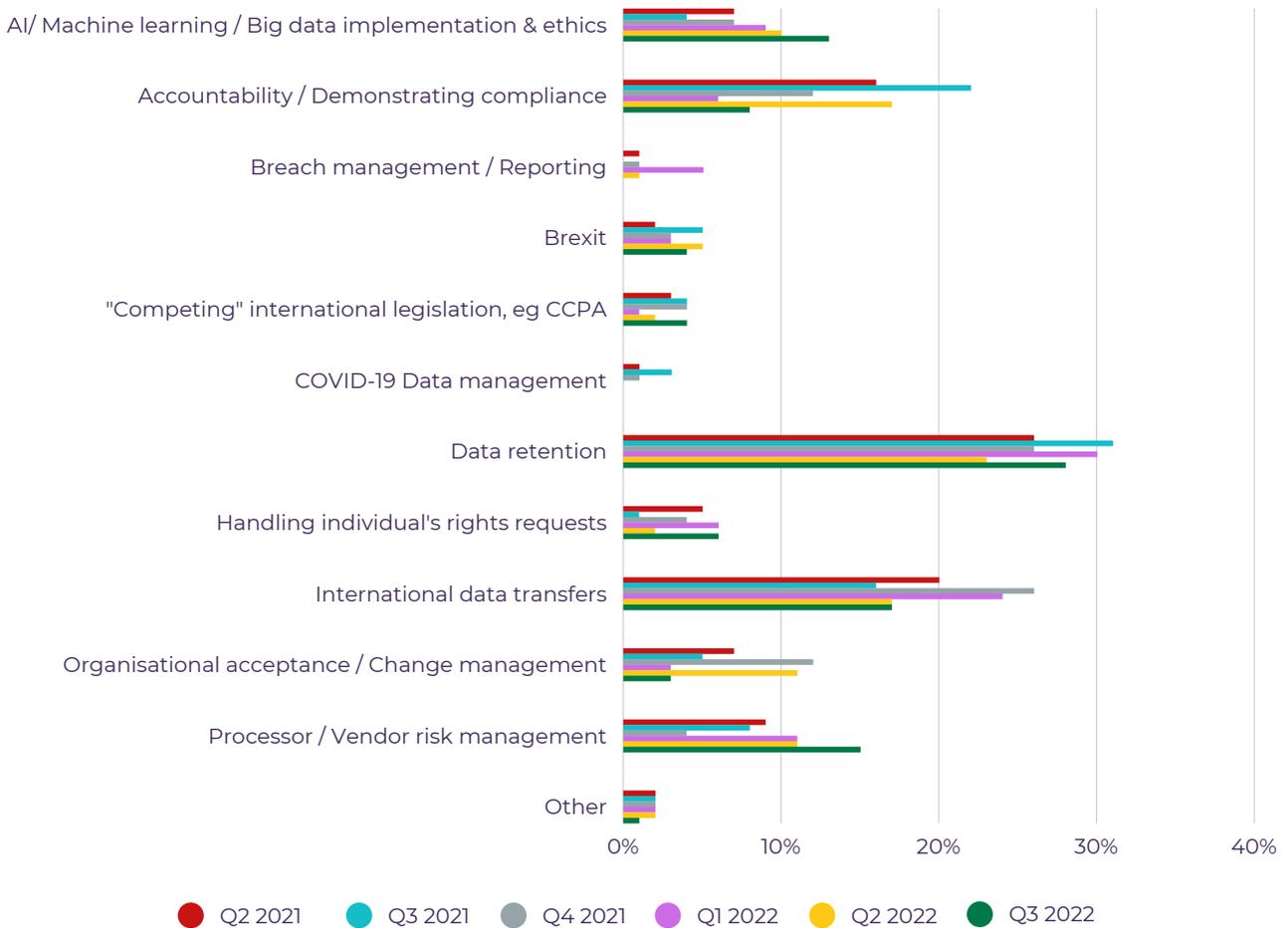


Fig.3 This quarter, “data retention” ranked as the biggest GDPR compliance concern, with 28% of respondents identifying it as their organisation's top GDPR compliance challenge for the next 12 months (up 5 percentage points since last quarter).

Data retention has ranked as respondents’ biggest or joint-biggest GDPR compliance challenge every quarter since Q2 2021. An average of 23% of respondents have identified data retention as their biggest concern across the past two-year period.

The second biggest GDPR compliance challenge identified by respondents was “international data transfers”, with 17% of respondents identifying it as their organisation's top GDPR compliance challenge (no change from last quarter).

No respondents chose “breach management/reporting” as their organisation's biggest GDPR compliance challenge over the next 12 months, down from 1% of respondents last quarter.

The most significant change in respondents’ attitudes this quarter relates to “accountability/demonstrating compliance”. Only 8% of respondents identified this as their organisation’s biggest GDPR compliance challenge over the next twelve months, compared to 17% last quarter.

For the last five quarters, we have asked DPOs for their predictions about whether their departmental budgets would increase or decrease over the next 12 months.

Fig.4 Is your organisation's overall budget for data protection expected to increase or decrease over the next 12 months?

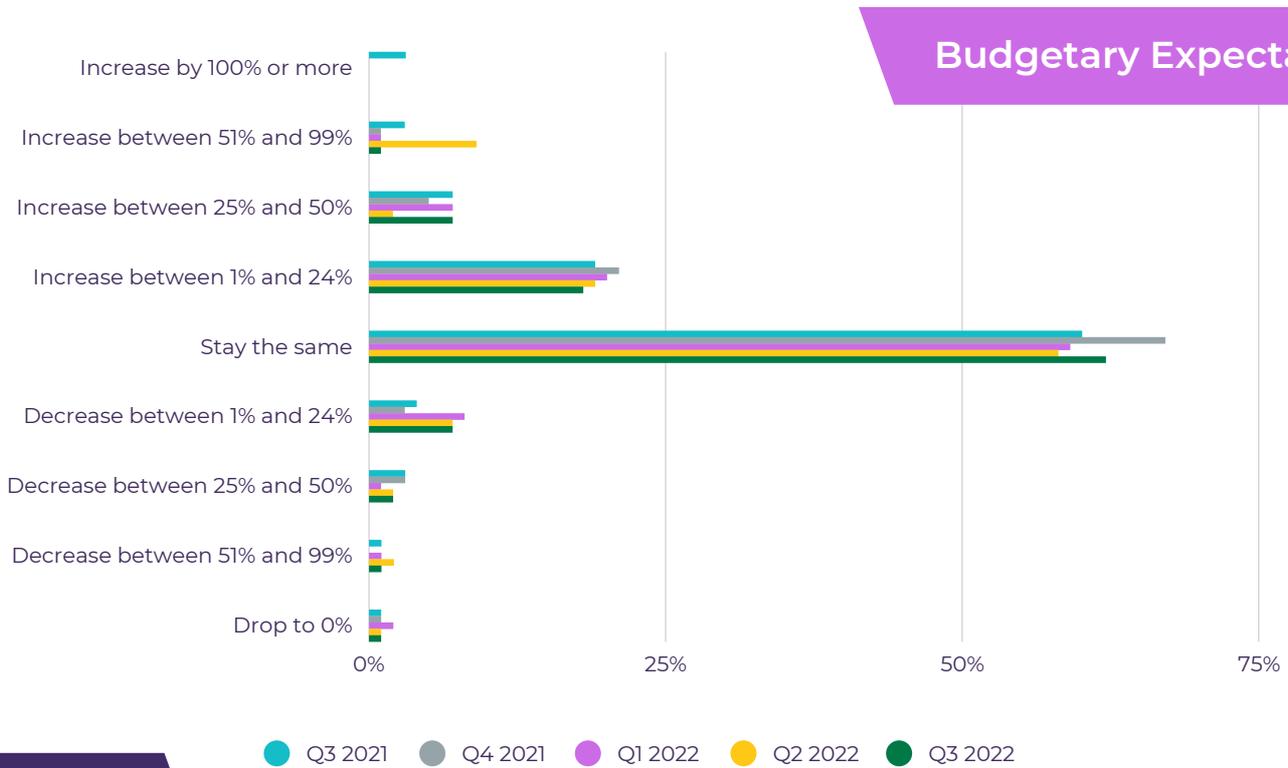


Fig.4

The majority of respondents (62%) expected their data protection budget to remain the same over the next 12 months, with a significant minority believing that it would increase (26% in total, with 18% of these respondents expecting an increase of between 1% and 24%).

However, this quarter saw the lowest number of respondents predicting budgetary increases when compared to the previous four quarters, as shown in the chart below.

Fig.4a Is your organisation's overall budget for data protection expected to increase or decrease over the next 12 months? (Respondents who expected their data protection budget to increase)



Fig. 4a

At 26%, the number of respondents expecting budgetary increases was down 4% from the previous quarter and 5% from the peak in Q3 2021.

Confidence in the ICO

Each quarter for the last two years, we have asked DPOs how confident they feel about the effectiveness of the ICO as a regulator.

Fig.5 How confident are you in the effectiveness of the Information Commissioner's Office (ICO) as a regulator?

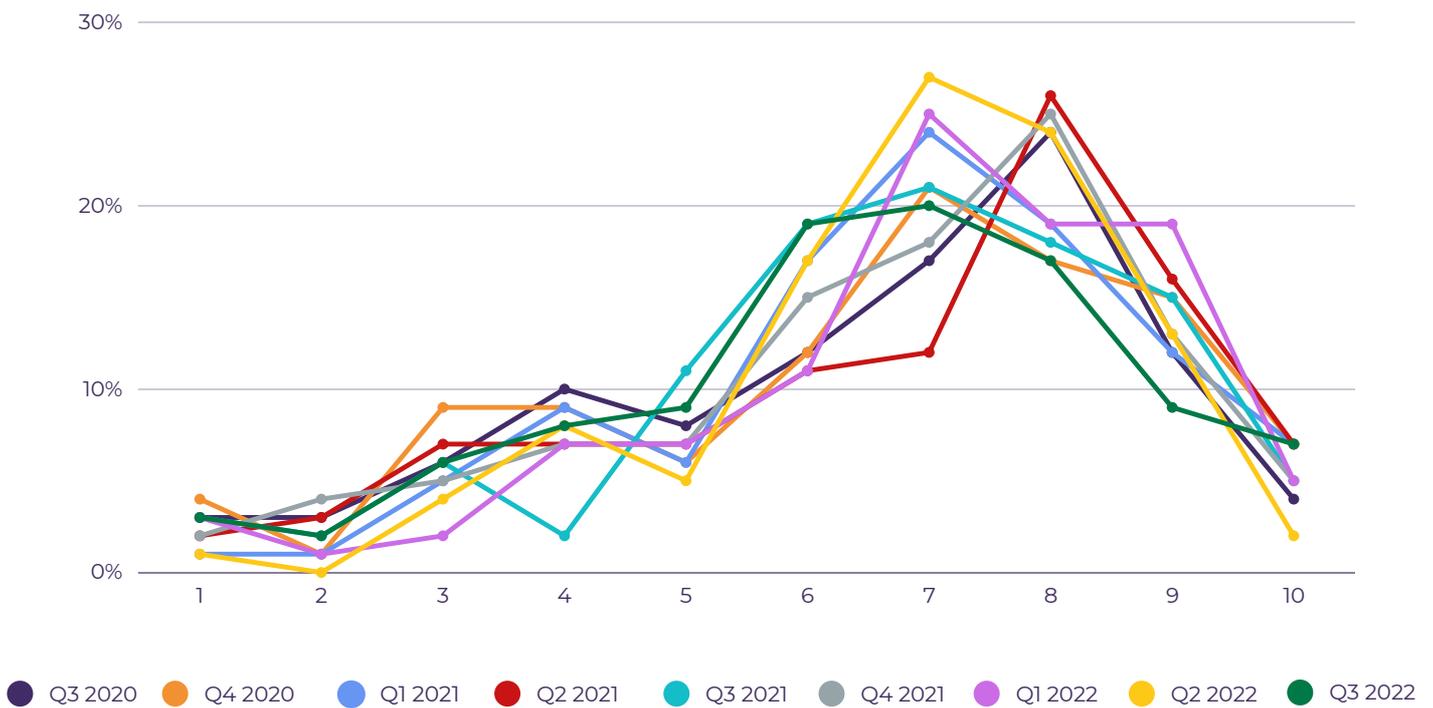


Fig.5

Respondents' confidence in the ICO is at its lowest since our survey began in Q3 2020, with 33% of the respondents scoring their confidence in the ICO as 8 or higher—down 6 percentage points from last quarter and down from a peak of 50% in Q2 2021.

For context, last August (Q3 2021), the UK government announced John Edwards as the new Information Commissioner. Edwards took up his post in January of this year (Q1 2022). It is also important to note that proposed data protection reforms include a plan to restructure the ICO.

UK Data Protection Reforms

In July, following the Department for Digital, Culture, Media and Sport (DCMS)'s consultation, Data: A New Direction, the government introduced the Data Protection and Digital Information Bill (DPDIB).

One proposed reform included in the DPDIB is to remove the current requirement on certain organisations to appoint a DPO. Instead, those organisations would only need to designate a "suitable senior individual" to oversee the organisation's privacy management programme.

We asked DPOs to score, on a scale from 1 to 10, the extent to which they felt this proposed reform would be "in the best interest of the data subjects".

Fig.6 In your view, is the proposal to remove the requirement for a DPO, and replace it with 'a suitable senior individual to be responsible for the programme' in the best interest of the data subjects?

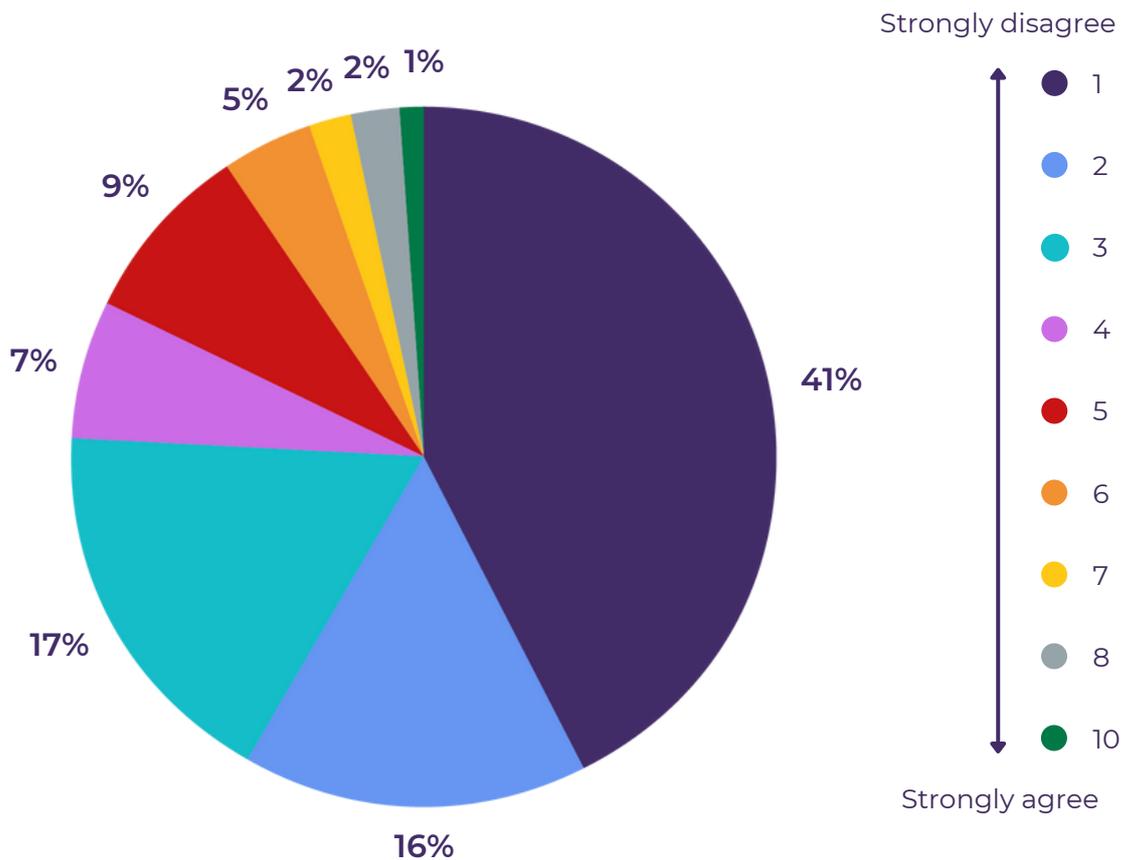
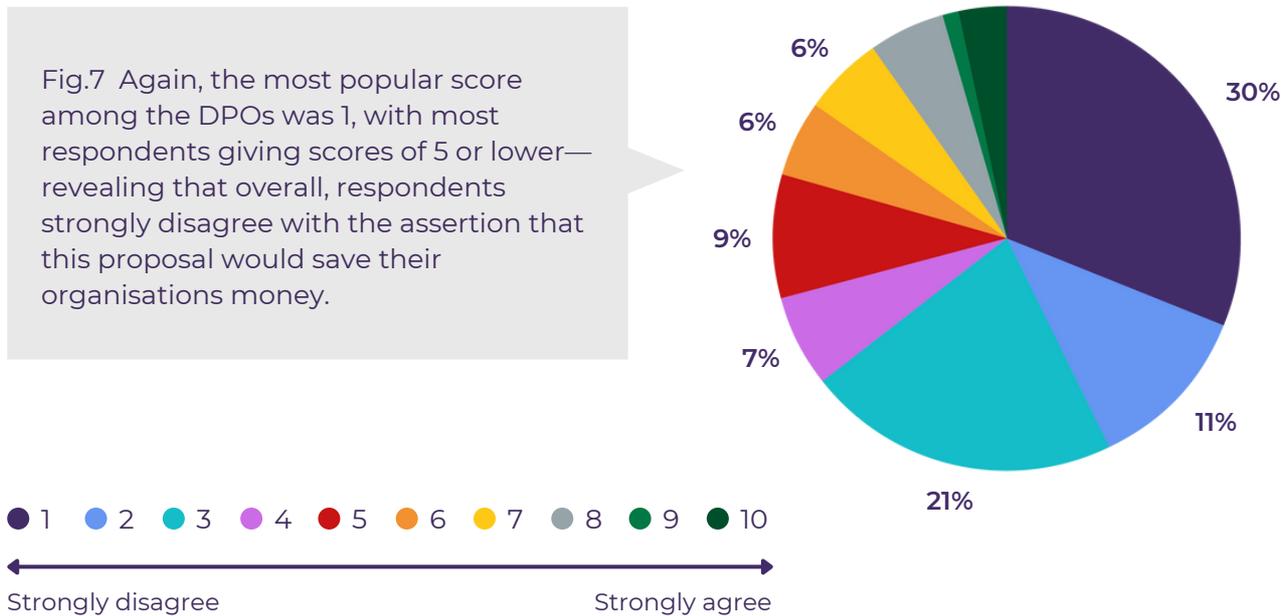


Fig.6 The overwhelming majority of respondents gave low scores, revealing that they do not believe the reform would be in the best interest of data subjects. 41% of respondents gave the lowest possible score of 1, and 90% gave a score of 5 or lower.

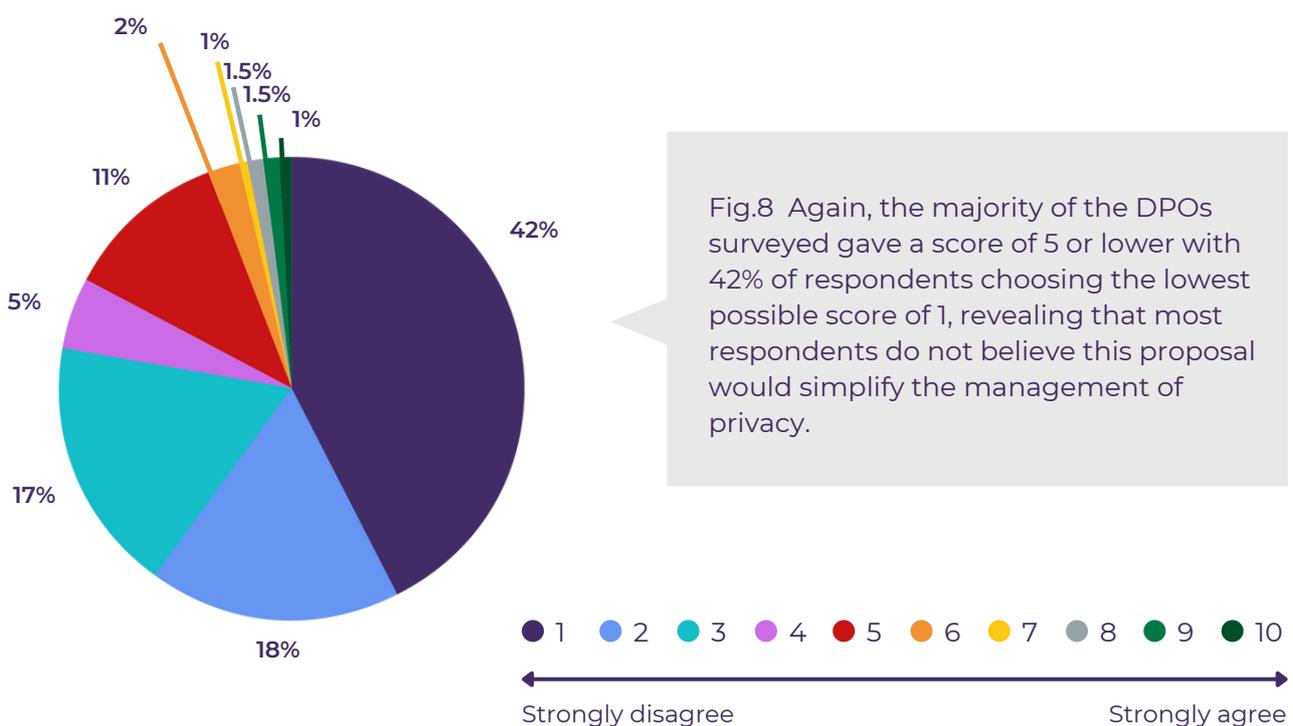
We also asked respondents whether replacing the DPO role with a “suitable senior individual” responsible for the management of privacy would save their organisations money.

Fig.7 In your view, will the proposal to remove the requirement for a DPO, and to replace it with a 'suitable senior individual to be responsible for the programme', save your organisation money?



We asked respondents whether the same proposal would “simplify management of privacy” within their organisations.

Fig.8 In your view, will the proposal to remove the requirement for a DPO, and to replace it with a 'suitable senior individual to be responsible for the programme', simplify management of privacy within your organisation?



Google Analytics

Following complaints from the campaign group *noyb* (None of Your Business), several website operators have recently been deemed to violate the GDPR's international data transfer rules due to their use of Google Analytics.

We asked DPOs whether their organisation's would be removing Google Analytics from their websites following the enforcement action from Austrian and French regulators.

Fig.9 Based on the recent regulatory action from the Austrian and French Data Protection Authorities, is it your organisation's intention to remove Google Analytics from the website?

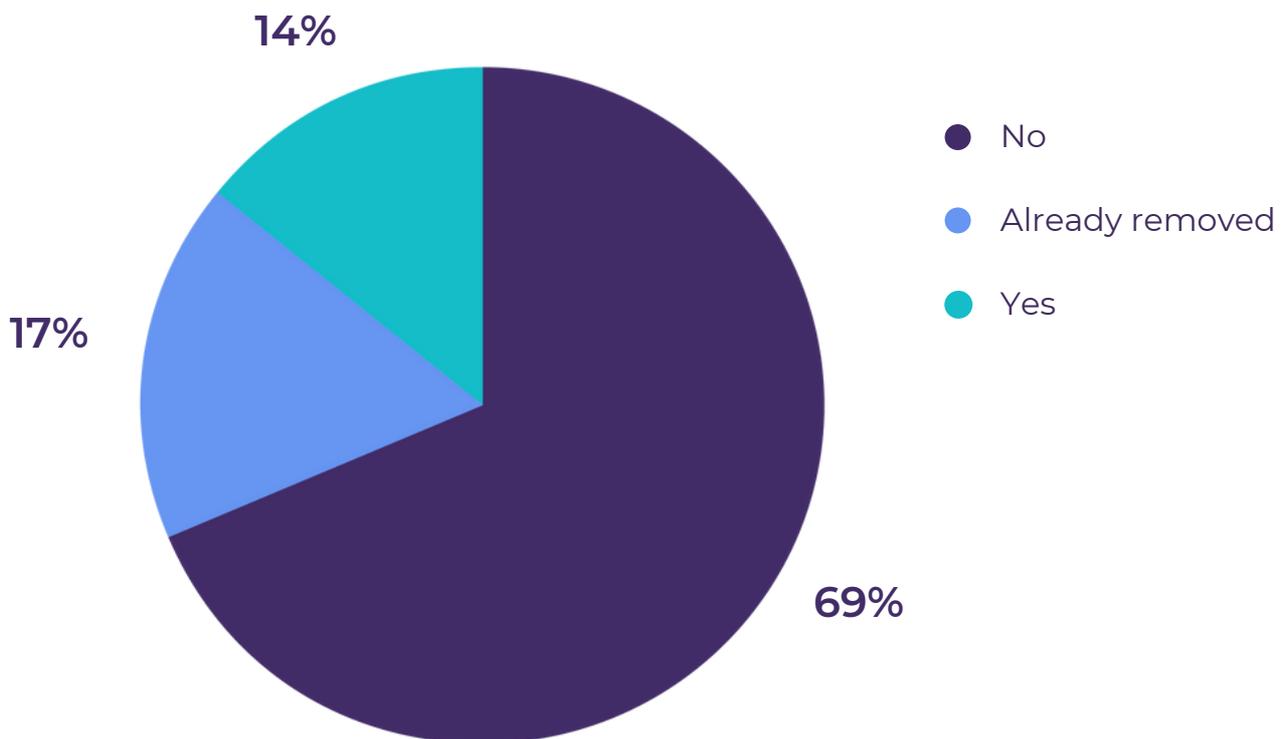


Fig.9 The majority of respondents (69%) reported that they would not be removing Google Analytics from their website, while 17% had already removed the tool and 14% planned to do so.

Machine Learning and AI

Given the considerable rate of advancement in the field of artificial intelligence (AI), we asked DPOs how confident they were of being able to adequately advise their organisations regarding its regulatory, data protection and ethical implications on a scale of 1 to 10.

Fig.10 How confident are you of being able to adequately advise your organisation regarding the regulatory, data protection and ethical implications around AI and/or Machine Learning Technology?

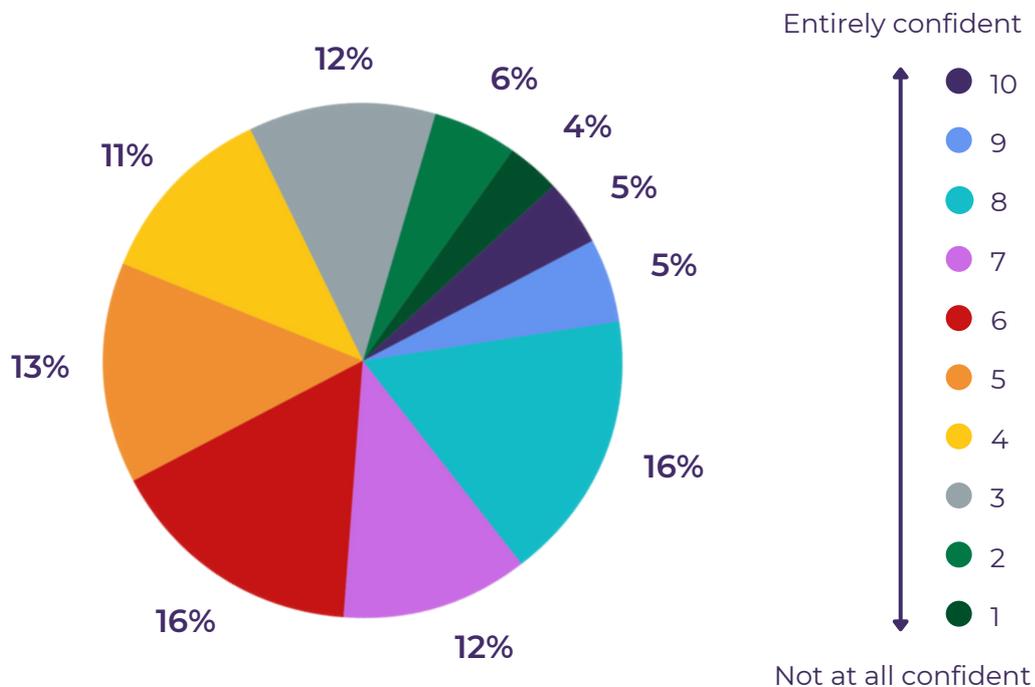


Fig.10 A total of 26% of respondents gave a score of 8 or above, with 8 being the most popular score (provided by 16.4% of respondents).

Further Results

- We asked DPOs how likely their organisations were to start using machine learning or AI in a “meaningful way” in the next three years (on a scale of 1 to 10). 38% of respondents rated this likelihood at 7 or higher, and 40% rated it at 4 or lower. This represents a slight fall in confidence since last quarter, when 41% of respondents rated this likelihood at 7 or higher and 42% rated it at 4 or lower.
- Confidence in the UK maintaining its EU adequacy status has risen, with 66% of respondents now predicting that the UK will maintain its adequacy status, compared with 62% last quarter and 63% in the quarter before that.
- We asked respondents whether, in the event of an organisation-wide malware encryption attack (where access to core systems have been lost), their organisation would pay a ransom to attempt to recover the data (regardless of the DPO’s advice). This quarter, 26% of respondents said “yes”, compared with 27% last quarter and 24% the quarter before that.



If you are a privacy professional and you would like to
join the panel and add your voice to future surveys:



Join the Data Protection Index

