

December 2022

# Charting the UK Data Protection Profession



# Foreword

December 2022

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 survey has allowed us to track changing attitudes and opinions over the long term. This quarter we asked our panel of 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 European Data Protection Board (EDPB) guidance about data breach notification

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

"With two changes in Prime Minister since our last survey, the UK data protection community continues to deal with long-standing uncertainty against a background of rapid technological development and a new regulatory approach from the Information Commissioner."

"As ever, it is vitally important to seek the views of DPOs tasked with meeting business needs, regulatory requirements and data subject demands in this ever-shifting landscape."

**Rob Masson, CEO of The DPO Centre, said:**

*What a year it has been for data protection.*

*With the UK welcoming not one, but two new Prime Ministers since the last DP Index report, it is clear that uncertainty remains regarding the direction of the UK's data protection reforms.*

*51% of respondents predicted that the new UK government would continue with its reforms as per the consultation that began under the Johnson government.*

*Attitudes towards this proposal significantly hardened this quarter with 54% of respondents strongly disagreeing that this proposal is in the best interest of data subjects, an increase of 13 percentage points compared to last quarter.*

*We hope that 2023 provides further clarity on the UK data protection landscape as we continue to wait in anticipation on our new direction.*

---

The next survey results will be published in March 2023. 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: Q4 2022 Report

## Who is on the Panel?

Since the Data Protection Index launched in July 2020, 533 DPOs from across every part of the UK have taken part.

- Over 31% of respondents are from Greater London. Around 5% are from Scotland, 1.3% from Northern Ireland and nearly 3% are from Wales.
- More than three-quarters of the DPOs (76.9%) are full-time, in-house employees. 15.2% are consultants or outsourced, and 6% are employed in-house on a part-time basis.
- Nearly a quarter (24.8%) 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 workforce of over 10,000 people (13.5%).

## 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. This quarter, respondents were significantly less confident in their organisations' compliance, both overall and across several specific areas.

The chart below shows the proportion of respondents that gave their organisation a score of 8 or above across the past ten quarters.

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

### Key Results

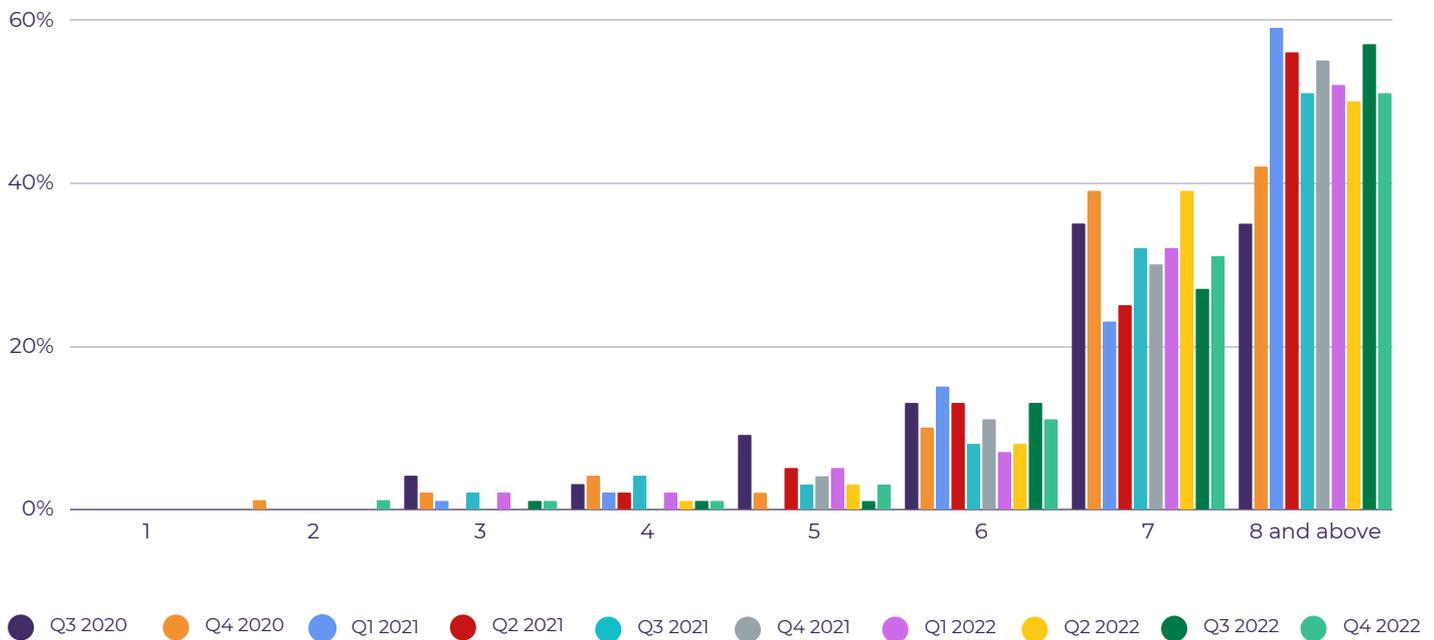


Fig.1 Compared to last quarter, the number of respondents scoring their organisation 8 or above has dropped by 6 percentage points, from 57% in Q3 2022 to 51% in Q4 2022, suggesting that DPOs are feeling less confident in their organisations' data protection compliance.

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 organisations' 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 organisations' compliance with data retention requirements, with just 24% scoring their organisation at 8 or above in this category (down 2 percentage points from last quarter).

This quarter, respondents were most confident in their organisations' compliance with the security of personal data, with 77% of respondents scoring their organisation at 8 or above in each category (up 1 percentage point from last quarter).

Confidence in compliance with vendor due diligence saw the biggest increase since last quarter (3 percentage points), and confidence in staff training also increased (1 percentage point).

However, confidence in compliance with individual rights requests has fallen significantly (down 6 percentage points from last quarter and 10 percentage points from its Q1 2022 high).

Confidence in compliance with the security of personal data is also on the decrease (down 3 percentage points from last quarter), as is confidence in compliance with policies and procedures (down 2 percentage points from last quarter).



Over the past ten quarters, we have asked DPOs which issues they see as their organisations' biggest GDPR compliance challenge over the next twelve-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?

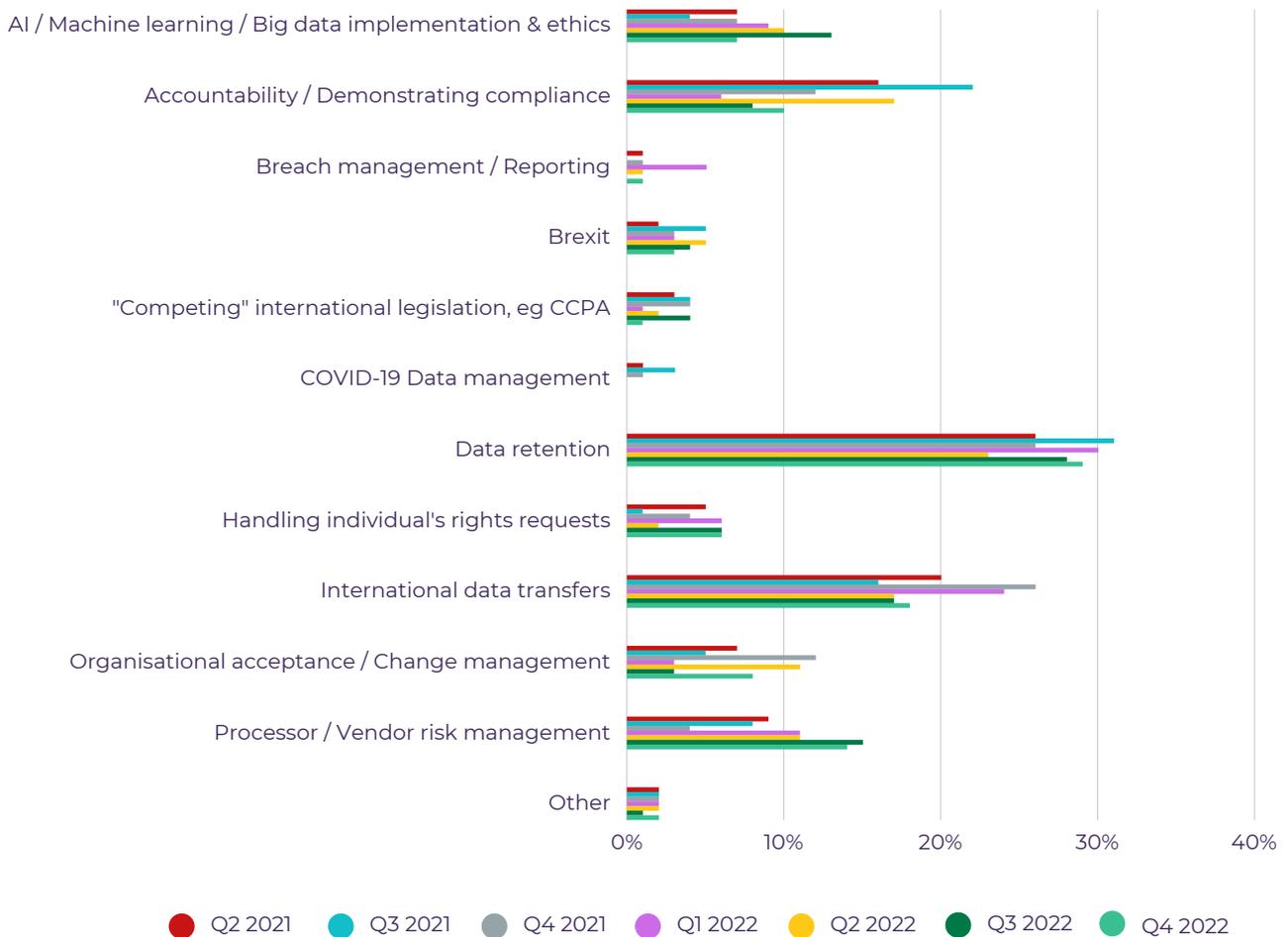


Fig.3 This quarter, “data retention” again ranked as the biggest GDPR compliance concern, with 29% of respondents identifying it as their organisations' top GDPR compliance challenge for the next twelve months (up 1 percentage point since last quarter).

Data retention has ranked as respondents' biggest or joint-biggest GDPR compliance challenge every quarter since Q2 2021. An average of 25% 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 18% of respondents identifying this as their organisations' top GDPR compliance challenge (up 1 percentage point since last quarter).

Just 1% of respondents chose “breach management/reporting” as their organisations' biggest GDPR compliance challenge over the next twelve months, up from zero respondents last quarter.

For the fourth quarter running, no respondents identified COVID-19 as their biggest compliance challenge, down from highs of 3% in Q3 2020 and Q3 2021.

The most significant change in respondents' attitudes this quarter relates to AI and machine learning. Only 7% of respondents identified this as their organisation's biggest GDPR compliance challenge over the next twelve months, compared to 13% last quarter.

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

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

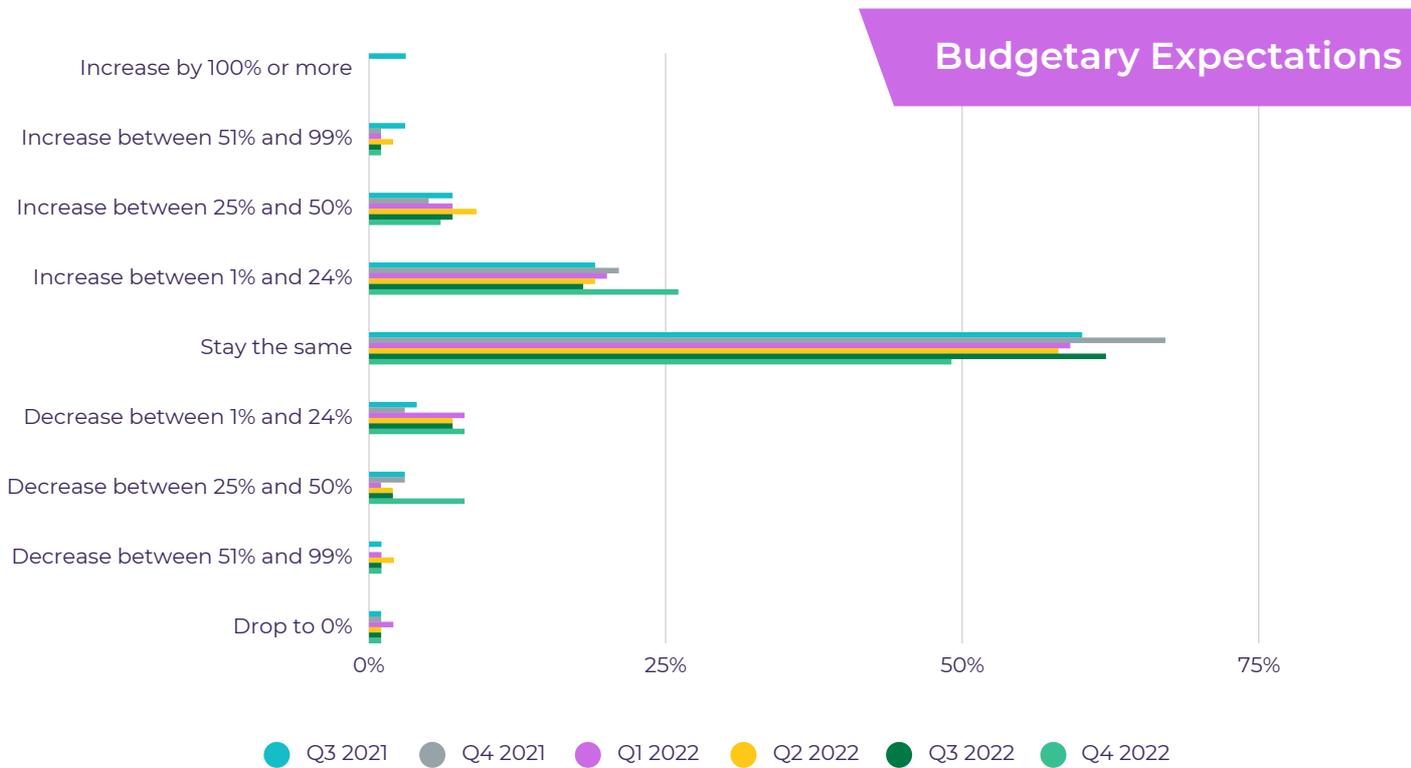


Fig.4

The data suggests a volatile picture of data protection budgets, with the number of respondents who expected their budgets to stay the same at an all-time low, down to 49% (when compared to 62% last quarter).

The proportion of respondents who expected their budget to increase was the highest on record, with 34% of respondents expecting some increase, up from 18% last quarter. Of these, the vast majority (26% of all respondents) expected an increase of between 1 and 24%.

However, the number of respondents expecting a decrease was also at record levels—18% of respondents expected some degree of budgetary decrease in the next twelve months. Of these respondents, the majority expected a decrease of between 1 and 24% or between 25 and 50%.

## Confidence in the ICO

Since Q3 2020, 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?

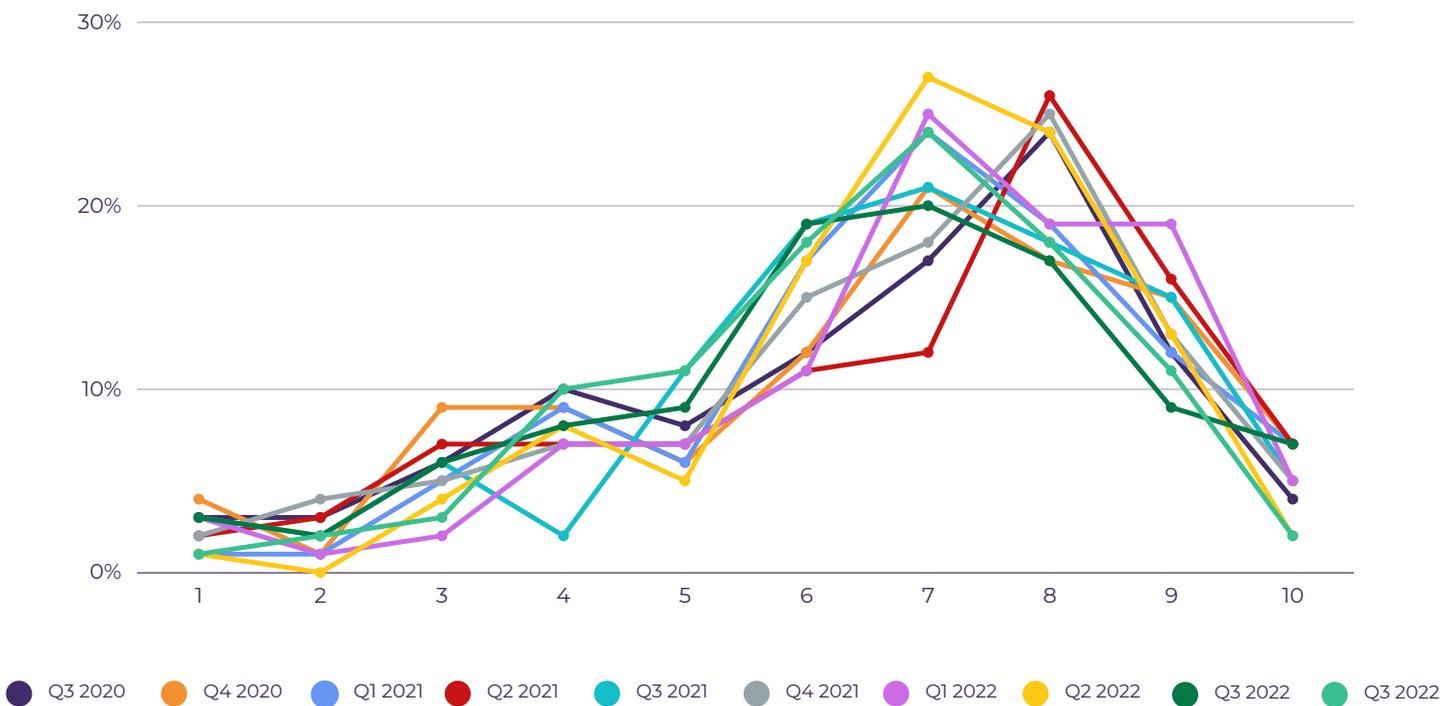


Fig.5

For the second quarter running, the proportion of respondents scoring their confidence in the ICO at 8 or above is at its lowest since our survey began in Q3 2020, at 31%—down 2 percentage points from last quarter and down from a peak of 50% in Q2 2021.

Since Information Commissioner John Edwards took up his post in Q1 2022, confidence in the ICO has fallen steadily from 43%.

## UK Data Protection Reforms

The UK is in the process of reforming its data protection law. However, since the last DP Index, there has been two changes in Prime Minister, leading to some uncertainty regarding the direction of these planned reforms.

This quarter, for the first time, we asked respondents for their predictions about the UK's data protection reforms.

The majority of respondents (51%) predicted that the new UK government would continue with its reforms as per the consultation that began under the Johnson government.

The second-most popular prediction was that the UK would "revert back to [the] UK GDPR" (27%). Around 15% of respondents believe that a "complete rewrite" of the law was likely, with the remaining 7% predicting "something else".

*Fig.6 What route do you expect the new UK Prime Minister to take in respect of the reform of data protection laws in the United Kingdom?*

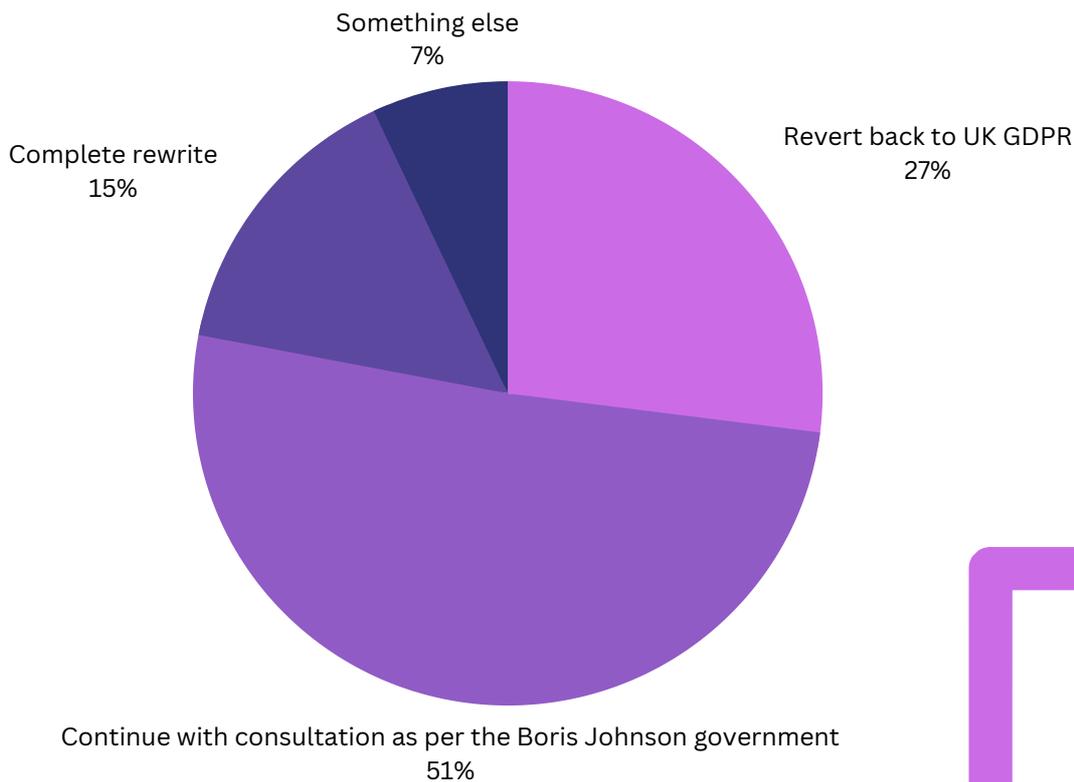


Fig.6 The majority of respondents (51%) predicted that the new UK government would continue with its reforms as per the consultation that began under the Johnson government.

## Data Breach Notification

In October, the European Data Protection Board (EDPB) released a document titled “Guidelines 9/2022 on personal data breach notification under GDPR”.

The Guidelines state that, in the event of a data breach—even where a controller has an EU Representative present in an EU Member State—the controller must notify “every single authority for which affected data subjects reside in their Member State.”

We asked DPOs how problematic they felt this requirement would be.

*Fig.7 Following the release of the European Data Protection Board's October Guidelines on personal data breach notifications under GDPR, how problematic do you think the new requirement 'to notify personal data breaches to every single authority for which data subjects reside in their Member State' will be for your organisation?*

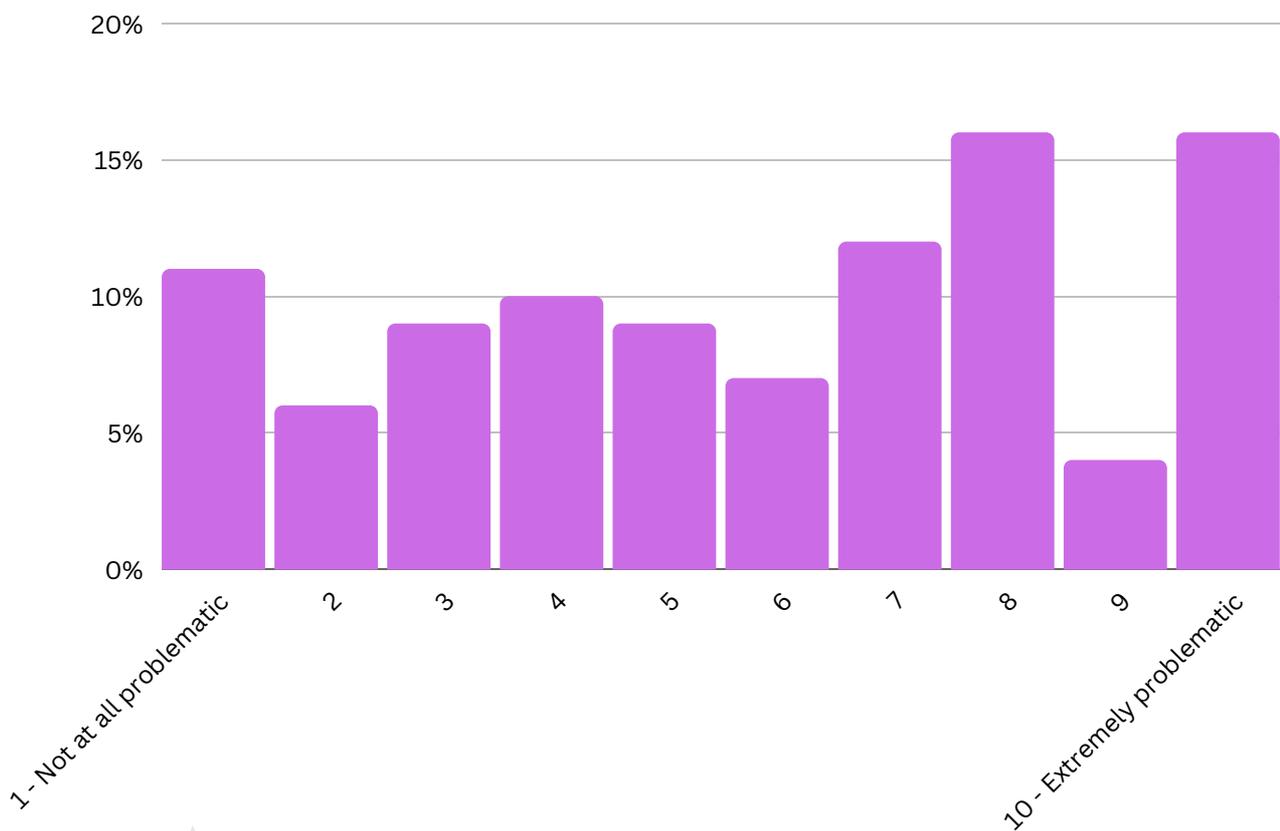


Fig.7 36% of respondents provided a score of 8 or above, with the most popular scores being 8 and 10 (extremely problematic).

11% of respondents stated that the requirement would be “not at all problematic”. It is possible that these respondents do not regularly process data related to EU data subjects.

### Artificial Intelligence

We asked DPOs if their organisations were currently using AI or machine learning as a part of their “core business processing”.

The number of respondents answering “yes” fell to 15% this quarter from 18% in Q3 2022. Those responding “no” rose from 75% to 79%, and those answering “don’t know/not sure” fell from 7% to 6%.

### UK Data Protection Reform

In both this quarter and in the last, we asked DPOs for their views about the government’s proposal to replace the mandatory requirement for certain organisations to appoint a DPO with a requirement to appoint a “suitable senior individual” responsible for data protection.

Attitudes toward this proposal significantly hardened this quarter.

- Last quarter, 41% of respondents “strongly disagreed” that this proposal was in the best interest of data subjects. This quarter, the proportion rose to 54%.
- Last quarter, 30% of respondents “strongly disagreed” that this proposal would save their organisation money. This quarter, the proportion rose to 45%.
- Last quarter, 42% of respondents “strongly disagreed” that this proposal would simplify the management of privacy within the organisation. This quarter, the proportion rose to 54%.

### Ransomware

We posed the following scenario to DPOs:

“Your organisation is subject to an organisation-wide malware encryption attack where access to core systems have been lost and the cybercriminal behind the attack has demanded ransom for the return of access.”

Regardless of your advice, in your opinion, would your organisation pay the ransom?”

The only available answers were “yes” and “no”. The proportion of respondents answering “yes” (their organisation would pay the ransom) fell significantly this quarter, from 26% to 17%.



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**