



MAY 2019 UPDATE

UK: Relevant legislation

Supplementary advice to be read in conjunction with *CPNI UK: Relevant Legislation* by Dentons, March 2018

In March 2018, Dentons UK and Middle East LLP (Dentons) prepared a document for CPNI identifying some of the key pieces of legislation which are applicable to employee IT monitoring in the UK.

Since the introduction of GDPR on 25 May 2018, industry partners have queried whether the new legislation conflicts with the previously issued guidance.

CPNI can confirm that the guidance within *CPNI: UK Relevant Legislation* remains relevant. However, the document provides guidance only, and readers should continue to refer to internal or external legal advice for queries or concerns.

We would also point out that the Lawful Business Practice Regulations 2000 are no longer in force and have been replaced by the Investigatory Powers (Interception by Businesses etc. for Monitoring and Record-Keeping Purposes) Regulations 2018, which come under the Investigatory Powers Act 2016. Please refer to the original document for information on this legislation.

The ICO (Information Commissioner's Office) website gives general guidance form employers on employee monitoring. At the time of writing, the website had not been updated in line with GDPR legislation, although a note on the guidance advises it is in the process of being updated.



Organisations must be aware that legal considerations for employee monitoring will vary from organisation to organisation and specific issues will arise depending on the nature of the organisation undertaking monitoring and the risks it is trying to mitigate. The original document (CPNI: Relevant Legislation UK March 2018) and this supplementary update (May 2019) are to serve as a legal resource only, and are not a substitute for advice. Neither the March 2018 or this update are designed to provide legal or other advice and you should not take, or refrain from taking, action based on their content. The documents are not a comprehensive report of all the information or materials that are relevant to this area of law, and do not address any particular concerns, interests, value drivers or specific issues you may have. This is a complex area of law that changes rapidly. If you require assistance with a specific issue, you should seek legal advice from an appropriately qualified professional. Organisations planning to implement or review existing employee monitoring should seek their own professional advice. This update (and therefore material contained in this update) was current at the point of publication. Neither CPNI nor Dentons owe any duty to you to update the content of these documents at any time for any reason. Neither CPNI nor Dentons UK and Middle East LLP accept any responsibility for any loss which may arise from reliance on either document.