



22 May 2020

Elizabeth Denham CBE
Information Commissioner

By email only

Dear Commissioner Denham,

Re – 2nd Anniversary of GDPR

We hope that you and your staff are well in these challenging times.

As you know, Monday 25 May 2020, marks two years since GDPR came into effect. We welcome much of the work that your Office has done in this period. We appreciate that resources are limited and that your regulatory priorities have shifted somewhat due to recent events. However, we are concerned by delays in investigations, the lack of enforcement action and the consequences of this.

In particular, we would like to flag the following areas of work:

- We are deeply disappointed by the announcement that your office's AdTech work has been put on pause. As your Office has acknowledged, unlawful practices are systemic. Our work on mental health websites illustrates that this must be addressed.
- We urge action on the ongoing investigations into data brokers - Acxiom, Experian and Equifax. We already complained about their practices back in November 2018 and even then they were already the subject of consideration by your Office.
- We encourage your Office to keep the momentum when it comes to preventing the exploitation of data in the political context. This should include moving forward with the Code of Practice, providing an update on scrutiny of the parties and further investigations into the companies involved. As your Office's own work demonstrates, Cambridge Analytica was just the tip of the iceberg.



- Your Office's oversight of law enforcement processing of personal data is essential and we were pleased that your team took up the highly problematic issue of the use of mobile phone extraction technology following our investigation and complaint. We hope that it will not be too long before your report is published.

Action on each of these areas is needed as part of your Office's role to protect the public interest and monitor intrusive and disruptive technologies. They are also highly relevant to your new priorities of protecting people in vulnerable situations, shaping proportionate surveillance and enabling transparency.

To the extent that issues relating to responses to Covid-19 are a priority for your Office, some examples, we wish to bring to your attention are:

- Our analysis of the trackers on the contact tracing app, which demonstrates why it is imperative that your Office continues to challenge the current operation of AdTech.
- Our concerns regarding Palantir's COVID-19 related work with the NHS and outstanding questions in this regard.

Urgent enforcement action by a strong and effective data protection authority is needed now more than ever to make not only data protection but also the great deal of other rights it enables a reality.

We look forward to your office doing just this.

Yours sincerely,

Gus Hosein

Executive Director

Privacy International.