



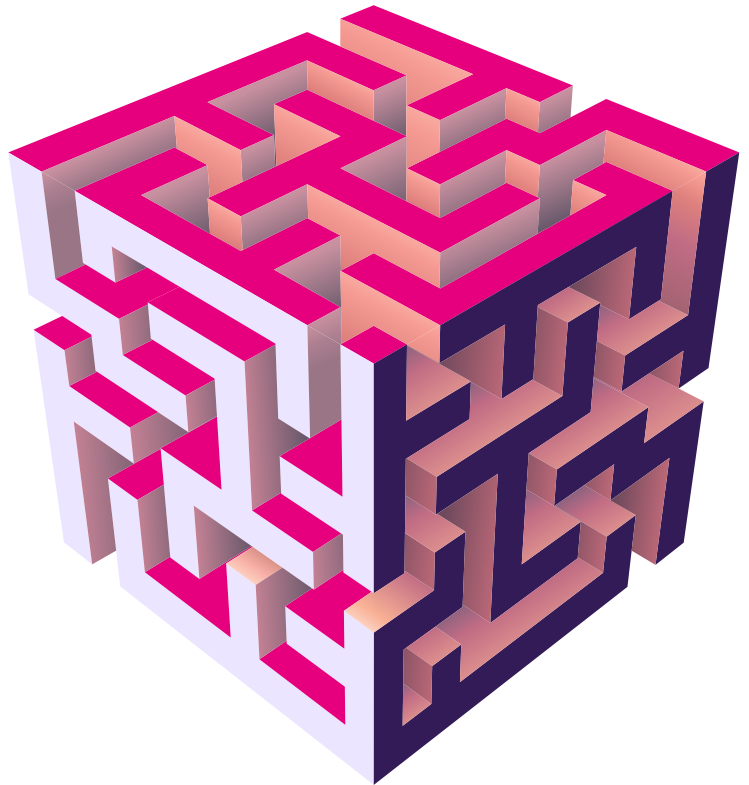
Regulatory update

May 2023

Welcome to the latest edition of the **Regulatory update**, which pulls together recent developments from across the UK's regulators – to help you navigate the regulatory maze.

In this spring edition we take a look at the FCA's strategy to improve ESG benchmarks, the latest updates on failure to prevent, this year's Environmental Improvement Plan, overview of the Spring Budget's tax legislation and rates, ICO tips for compliance with the Children's code, a guide for assessment of cyber security practices, advertising guidance for green claims, the CMA's annual plan & much more!

Please do not hesitate to contact me, or your normal RPC contact, if you would like to discuss any of the topics highlighted or have any suggestions for areas you would like to see in future updates.



A handwritten signature in black ink, appearing to read 'Gavin Reese'. The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

Gavin Reese
Partner, Head of Regulatory

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FINANCIAL SERVICES

Jonathan Cary and Matthew Griffith

FCA demands withdrawal of unsolicited BSPS settlement offers

The Financial Conduct Authority's (FCA) redress scheme for members of the British Steel Pension Scheme commenced on 28 February 2023, notwithstanding an ongoing legal challenge. The FCA has separately issued three publications criticising firms for making unsolicited settlement offers to consumers before the scheme began.

The FCA's widely publicised scheme seeks to provide redress to BSPS members who received inappropriate advice on transferring out of their pension scheme. It is only the second time in its history that the FCA has used its powers under s404 of the Financial Services and Markets Act to impose an industry wide past business review.

The FCA has faced criticism for the scheme, which unusually is implemented on an "opt-out" basis, meaning firms are having to put their clients through the scheme even if they have not complained or asked to be included, unless they specifically opt-out.

The FCA is facing a legal challenge to the scheme, due to be heard by the Upper Tribunal in April. This challenge is made on behalf of firms who are part of the British Steel Adviser Group.

Click [here](#) to read more.

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FCA announces thematic review of retirement income advice

The Financial Conduct Authority (FCA) is conducting a thematic study to evaluate the advice clients are given regarding how to meet their retirement income needs. To better understand consumer outcomes in later life, the FCA will tie the evaluation to the lifetime mortgages work it committed to in its 2022–23 Business Plan. The review's conclusions will guide the FCA's future approach to the industry.

The pension freedom reforms changed the way consumers access their retirement funds. This FCA thematic review will put firms under the spotlight with a focus on how the retirement income advice market is functioning in response to changing consumer needs in the current economic downturn.

Click [here](#) to read more.

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FCA confirms assistance for mortgage borrowers having trouble making their payments

Following consultation, the Financial Conduct Authority (FCA) have published guidance outlining the ways mortgage lenders can assist borrowers who are concerned about, or are already having trouble making, their mortgage payments due to increased living expenses.

In addition to significant increases in the cost of living, many mortgage borrowers also have larger mortgage payments. Lenders may receive requests from borrowers who want to reduce or gradually increase their monthly payments.

Draft general guideline that specifies how businesses can serve their clients, including through automated procedures and digital

channels, was subject to consultation. The proposed guidance outlined corporations' flexibility in granting forbearance to individuals in need and their authority to modify contract terms for other borrowers who choose to lower their monthly payments.

The finalised guidance describes how businesses can help their current mortgage customers while also adhering to the FCA's current Rules, Guidance, and Values.

Click [here](#) to read more.

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Bank of England report on climate-related risks and the regulatory capital frameworks

A Bank of England paper outlines the bank's most recent views on climate-related risks and regulatory capital frameworks for banks and insurers.

It has engaged with a range of stakeholders to inform this work, including through a call for research papers and hosting a high-profile, focused research conference, as well as undertaking its own internal work. This report sets out an update and key findings from that work. It does not set out any policy changes but sets out the Bank's thinking and identifies areas for future work.

It states that the Bank will: guarantee firms continue to close capability gaps; develop its capacities and forward-looking tools to assess the financial system's resilience to climate risks; and support initiatives to improve climate disclosure.

Click [here](#) to read more.

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FCA looks to improve ESG benchmarks

The Financial Conduct Authority (FCA) has issued a second letter to benchmark administrators outlining the issues raised following its September 2022 portfolio letter to benchmark administrators outlining the risk of poor disclosures for environmental, social, and governance (ESG) benchmarks and a preliminary review on ESG benchmarks that found that the overall quality of ESG-related disclosures made by benchmark administrators was poor.

It claims that the ESG disclosure requirements were not fully implemented, that administrators failed to correctly implement the methodologies for their ESG benchmarks, and that the underlying methodologies for ESG data and ratings products used in benchmarks were not accessible, clear to users, or explained to users.

Click [here](#) to read more.

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Regulatory pipeline 2023 and beyond – the Regulatory Initiatives Grid

The Financial Conduct Authority (FCA) recently published the fourth edition of its annual overview and plan for ongoing and upcoming regulatory initiatives (143 in total!) The purpose of the Regulatory Initiative Grid is to provide an outline of the pipeline of work proposed by a number of the UK's regulators.

The Grid is broken down into sector areas (such as banking, credit and lending, pensions, and multi-sector work such as Environmental, Social and Governance initiatives). There is also a handy Dashboard which allows you to drill down and filter the initiatives by sector,

regulator and whether an initiative is a new entry this year. In this note RPC outline a few initiatives which may affect the insurance market.

See also [RPC's commentary](#) on initiatives in the consumer credit and payments sectors.

Click [here](#) to read more.

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The Financial Ombudsman Service – a jurisdiction that knows no bounds?

A couple of developments at the Financial Ombudsman Service (FOS) may well have flown under the radar in the light of the recent Budget announcements. The FCA has confirmed that, from 1 April 2023, FOS award limits will go up to:

- £415,000 for complaints referred to FOS on or after 1 April 2023 about acts or omissions by firms on or after 1 April 2019
- £190,000 for complaints referred to FOS on or after 1 April 2023 about acts or omissions by firms before 1 April 2019

The update to the FOS Handbook was made on 13 March 2023 with little fanfare albeit a likely product of high inflation.

The FCA also announced a call for evidence on access to FOS for small and medium sized entities (SMEs). The changes increase the impact of FOS and could increase its scope if the definition of SMEs is changed. SMEs can complain to FOS provided they fall within relevant criteria. There are two relevant definitions “micro-enterprise” or “small business”.

The FCA launched the call for evidence to reconsider the current thresholds and whether they continue to meet FOS’ policy objective which is to provide access to FOS to SMEs where it is likely they have insufficient resources to resolve disputes with financial services firms through the legal system.

Click [here](#) to read more.

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FCA publishes fast-growth firms multi-firm review

The Financial Conduct Authority (FCA) have published its findings and expectations of FCA solo-regulated fast-growing firms (FGFs) after its multi-firm review. The review was conducted as a result of the FCA’s concern that some firms with very fast growth presented an increased risk of harm to customers and other market participants.

The two key findings are that FGFs tend to have risk management and governance frameworks that don’t keep pace with their rapid growth, and FGFs’ own assessment of the adequacy of their financial resources also didn’t reflect their increased size and scale. The effect is that there is an increased risk of poor outcomes for consumers and disorderly firm failure.

Click [here](#) to read more.

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What’s in store for the FCA and FOS in 2023/2024?

April has seen the publication of the Financial Ombudsman Service (FOS) and Financial Conduct Authority’s (FCA) Plans and Budgets for 2023/2024 – what can we learn from their strategic priorities? For both the FOS and FCA we see an emphasis on the consumer duty – with the FCA having in place a specific budget to embed the consumer duty and an interventions team in place from day 1 of the duty to ensure compliance. Both also focus on the cost of living with FOS expecting complaints in this area and the FCA noting a focus on debt services. For FOS we also see

an emphasis on dealing with the complaint backlog with new “vertical” specialist teams and a portal for making complaints and uploading documents/information. For the FCA a focus on data led intervention and supervision.

Click [here](#) to read more

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WHITE COLLAR CRIME

Sam Tate and Davina Given

Game changing corporate offence of failure to prevent fraud

On 11 April, the highly anticipated failure to prevent fraud offence was introduced in an amendment to the Economic Crime and Corporate Transparency Bill (the Economic Crime Bill or the Bill). Although there has been much discussion of this potential offence since the start of this year, this amendment is significant as it is the first time that structure and detail of the offence has been formally included in the Bill. The amendment gives a much clearer indication of how the failure to prevent fraud offence might operate when it comes into force.

When enacted, this offence promises to become an important tool for UK economic crime prosecutors and is likely to see major changes to the compliance programmes of large companies in the UK and overseas.

In this article, we will look at how the act is likely to operate, focusing on the developments that will be interesting to monitor as the Bill continues through Parliament along with offering some practical steps companies might take now to be as prepared as possible.

Click [here](#) to read more.

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Register of Overseas Entities – one month since the deadline and thousands still face penalties from failure to register

The Economic Crime (Transparency and Enforcement) Act 2022 (“the Act”) enacted in March 2022 brought into force the register of overseas entities on 1 August 2022. Companies House holds and manages the new register which was introduced to provide greater transparency around UK land ownership. The transitional period ended on 31 January 2023, and as at 3 March 2023, 26,481 out of an estimated 32,440 have registered. Thousands of companies are still to register over a month on from the end of

the transitional period, so we’ve turned our minds to consider the possible consequences of not registering, or delaying registering, as an overseas entity in accordance with the Act, including the potential for the Proceeds of Crime Act 2002 to apply.

Click [here](#) to read more.

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HEALTH, SAFETY & ENVIRONMENTAL

Gavin Reese

Developer Remediation Contract update

The government sent a letter to homebuilders and mixed-use developers informing them that the newly published developer remediation contract was due for signature by 13 March 2023.

Once the contract is signed, developers must:

- Accept responsibility for any work required to correct life-critical fire safety flaws resulting from the design and construction of buildings 11 metres or higher that they created or renovated in England over the past 30 years.
- Inform the occupants of those buildings of any developments regarding the fulfilment of this obligation.
- Reimburse taxpayers for money used to remediate their buildings.

These requirements are in accordance with a public pledge that 49 developers made last year. The pledge agreements are made enforceable once the contract has been signed. As of 22 March 2023, 43 developers had signed the contract and 7 have yet to sign.

Click [here](#) to read more.

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Environmental Improvement Plan 2023

A report from the Department of Environment, Food, and Rural Affairs (DEFRA) expands on the vision of the 25 Year Environmental Plan (25YEP) and lays out a new strategy for working with landowners, communities, and businesses to achieve each environmental improvement goal, along with interim targets to track progress. The report was submitted to Parliament in accordance with Environment Act 2021 s.10(6). There is also

the Outcome Indicator Framework, which describes how the environment has changed in relation to the 25YEP's objectives.

Click [here](#) to read more.

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Reshaped Government Departments

The Prime Minister established four new departments:

- the Department for Energy Security and Net Zero, tasked with ensuring long-term energy supply, lowering bills, and halving inflation
- the Department for Science, Innovation, and Technology, tasked with driving innovation that will improve public services, create new and better-paid jobs, and grow the economy

- a combined Department for Business and Trade, supporting British businesses
- and a re-focused Department for Culture, Media, and Sport to better recognise the economic importance of these industries.

Click [here](#) to read more.

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Morrisons fined for failure to prevent the death of employee

Morrisons has been prosecuted by the Tewkesbury Borough Council after an epileptic employee of their Tewkesbury store died of severe head injuries following a fall from the stairs caused by a seizure, after he went to his locker upstairs on 25 September 2014.

Tewkesbury Borough Council argued that the company did not take adequate measures to protect the employee's safety, such as providing him with a locker downstairs, despite knowing his health condition.

Consequently, Morrison has been fined £3.5 million for not putting in place measures that could have safeguarded their employee, as well failure to carry out a risk assessment and to provide the council with information related to the death of the employee.

Click [here](#) to read more.

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Online marketplaces told to do more about Unsafe Products

Business Minister Kevin Hollinrake held a round table meeting at which he told key Online Marketplaces that they must do more to keep unsafe products off their platforms. The round table meeting precedes the imminent publication of the government's Product Safety Review which will include policy proposals relating to Online Marketplaces.

Click [here](#) to read more.

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Roofer is jailed after fatal fall

After a worker in North London fell to his death from the top of a commercial building, a man has been sentenced to prison. Following the passing of the worker in August 2019, the business owner received a 14-month prison sentence. The owner entered a guilty plea to violating the 2005 Work at Height Regulations. The Health and Safety Executive (HSE) determined after an investigation that he had neglected to put scaffolding around the flat roof or building's perimeter where both men were working.

After the hearing, the HSE Inspector said: "This tragic incident could have been easily avoided. Assessing and planning work at height is essential to ensuring that suitable and sufficient measures are in place to prevent falls from height".

Click [here](#) to read more.

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Rogue asbestos company punished after director is imprisoned

An unlicensed asbestos removal business was fined £80,000 after its director was sentenced to prison last month for failing to ensure the secure removal of the hazardous material from buildings across Great Britain. In addition to failing to take reasonable precautions to protect its employees and clients, the company gave clients forged waste transfer notes and air test certifications, as well as forged asbestos training certificates and insurance documents. The company's director was sentenced to ten months in prison in March after entering a guilty plea to criminal safety violations. At a sentencing hearing, the business was given a fine of £80,000, ordered to pay £20,000 in court costs and compensation.

The HSE has recently [launched a campaign](#) highlighting the dangers of asbestos and has guidance on the [safe working with asbestos](#).

The CMA announced a recent decision affecting 10 suppliers of demolition and asbestos services (See [Competition Law](#))

Click [here](#) to read more.

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PENSIONS

Rachel Healey

Pension Tax Limits – HMRC guidance

After the announcement that the lifetime allowance would be abolished beginning in April 2024 in the Spring Budget 2023, HMRC has published updated guidance for pension scheme administrators. It affirms that participants of the scheme who have legitimate “increased protections” or “fixed protections” against the lifetime allowance cap are now able to accrue additional pension benefits, join other programmes, or switch between programmes without losing these protections.

This measure applies to all members of registered pension schemes. From 6 April 2023, it removes the Lifetime Allowance (LTA) charge and limits the pension commencement lump sum (PCLS) to its current maximum of 25% of the current LTA, unless individuals hold a valid LTA or PCLS protection. It also increases the Annual Allowance from £40,000 to £60,000, the Money Purchase Annual Allowance and Tapered Annual Allowance from £4,000 to £10,000, and the adjusted income for Tapered Annual Allowance from £240,000 to £260,000.

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TAX

Adam Craggs

Tackling promoters of tax avoidance

As announced at Spring Budget 2023, the government will consult shortly on the introduction of a new criminal offence for promoters of tax avoidance who fail to comply with a legal notice from HMRC to stop promoting a tax avoidance scheme. The government will also consult on expediting the disqualification

of directors of companies involved in promoting tax avoidance including those who exercise control or influence over a company.

Click [here](#) and [here](#) to read more.

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Economic Crime Levy FCA collection

Following the introduction economic crime levy (ECL), the Financial Conduct Authority (FCA) will be tasked with the collection of the levy in regard to FCA registered firms or firms that the body regulates. The new levy will appear for impacted firms starting from July 2023, and it is expected to be paid annually based on the firm's UK revenue.

institutions, auditors, insolvency practitioners, external accountants, and tax advisers, independent legal professionals, trust or company service providers, estate and lettings agents, high value dealers, casinos, auction platforms and art market participants, crypto asset exchange providers and custodian wallet providers.

Click [here](#) to read more.

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Anti-money laundering (AML) regulated business will need to comply with the levy, including credit institutions, financial

Main Tax Announcements of Spring Budget 2023

The Chancellor, Jeremy Hunt, delivered his first Spring Budget on 15 March 2023.

reversal of some of those announcements, or as part of the 2022 Autumn Statement delivered by the current Chancellor). Some of these are brand new measures.

The main business and personal tax announcements made by the Chancellor are summarised at the link below. Some of these had been expected (as they had been announced either at last year's 'mini' Budget by Kwasi Kwarteng, or subsequently because of the

Click [here](#) to read more.

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Tribunal orders HMRC to close its enquiries

In *J Hitchins and others v HMRC* [2023] UKFTT 127 (TC), the First-tier Tribunal (FTT) granted the taxpayers' applications, made pursuant to section 28A, Taxes Management Act 1970 (TMA 1970), for a direction requiring HMRC to issue closure notices. This decision will be welcomed by taxpayers and their advisers. One of the keenest areas of contention between HMRC and taxpayers is the length of time enquiries can take before they are finally concluded. As the legislation does not provide a time limit by which HMRC is required to conclude an enquiry, enquiries often become unfocussed and protracted. There will therefore

be occasions when a taxpayer decides that an enquiry has gone on for long enough and wishes to bring it to an end. Section 28A, TMA 1970, provides an effective mechanism by which a taxpayer can apply to the FTT for a direction requiring HMRC to close its enquiry within a specified time period and we are finding that clients are increasingly choosing to make such an application.

Click [here](#) to read more

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SANCTIONS

Robert Waterson

New sanctions package against Russia

A new package of sanctions and trade measures against Russia has recently been announced by the Foreign Secretary. The sanctions provide export bans on all the items that Russia has been using so far on the battlefield, including aircraft parts, radio equipment, and electronic components that can be used by the country's military.

The sanctions are envisioned to further limit Russia's ability to export arms such as armoured vehicles, attack helicopters and air defence systems, which is already being impacted by previous measures.

Click [here](#) to read more.

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COMPETITION LAW

Melanie Musgrave

The CMA's Annual Plan

The CMA has published its [Annual Plan](#) for 2023/24 and, in a change of approach, this sets out not only its key areas of focus for the coming year, but also its ambition and medium-term priorities for the next three years. The CMA's restated purpose is "to help people, businesses, and the UK economy by promoting competitive markets and tackling unfair behaviour" and it aims to create an environment where:

- people can be confident they are getting great choices and fair deals;
- competitive, fair-dealing businesses can innovate and thrive; and
- the whole UK economy can grow productively and sustainably.

In relation to the next twelve months, its main areas of competition law focus include:

- investigating potential competition and consumer protection concerns in the housebuilding and rental sectors;

- deterring anti-competitive behaviour, including cartels in public procurement, and other areas which have direct effects on public and household expenditure;
- ensuring new and established markets remain open to competitive, innovating businesses, to support the productivity growth and resilience of the UK economy; and
- helping to accelerate the UK's transition to a net zero economy following up on the CMA's call for information in the green heating and insulation sectors, as well as acting in existing and emergent markets for sustainable products and services.

The CMA has indicated that, over the last three years, it has delivered over £20 of direct financial benefits to consumers for every £1 of taxpayers' money spent.

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Going Green and Competition Law

As part of its commitment to promoting environmental sustainability and helping the UK's transition to a net zero economy (as set out in its Annual Plan), the CMA is keen to ensure that competition law is not an unnecessary barrier to businesses seeking to collaborate legitimately on environmental sustainability initiatives.

In a welcome development, which will provide businesses with much needed comfort in this area, the CMA has published for consultation (with a deadline of 11 April) [draft guidance](#) on the application of UK competition law to environmental sustainability agreements ("ESAs"), ie agreements and initiatives between those at the same level of the supply chain which aim to prevent, reduce or mitigate the adverse impact of their activities on environmental sustainability or to assess their impact.

The guidance sets out principles and examples to assist businesses with their competition law assessment of their ESAs. It covers ESAs which are unlikely to infringe competition law, those which may do so and, if they do, how to assess whether they meet the exemption criteria where the benefits outweigh the adverse effect on competition. In relation to climate change agreements, exceptionally the benefits for all UK consumers, and not just for those to whom the ESA relates, can be taken into account. The CMA intends to update or supplement its guidance as its understanding develops in this constantly evolving landscape.

In addition to the guidance, the CMA is offering an 'open door' policy and encouraging businesses to seek informal guidance, if needed, at an early stage of any proposed environmental sustainability initiative. This does not replace the need for the parties to carry out their own initial competition law self-assessment. The CMA is also looking to publish, subject to confidentiality considerations and following consultation with the parties, summaries of the initiatives on which informal guidance has been sought, along with an assessment of the risks identified and proposed solutions.

In relation to enforcement, the CMA has said that it will not issue fines against parties to an ESA where they originally sought informal guidance in good faith (and then addressed any concerns, if raised by the CMA) and, at a later stage, the ESA is considered to have an appreciable adverse effect on competition. The CMA will consult with the parties to agree necessary adjustments to the ESA. The CMA has also confirmed that it will not take enforcement action against ESAs which 'clearly correspond' to the examples and are consistent with the principles, as set out in the guidance.

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Bid Rigging in the Construction Sector – a Reminder of Cartel Investigations and Consequences

Reiterating its determination “to crack down on illegal cartel behaviour”, the CMA has [announced](#) its infringement decision finding that ten suppliers of demolition and asbestos services had infringed the Chapter I prohibition on anti-competitive agreements and concerted practices by participating in illegal bid rigging, in the form of cover bidding, affecting nineteen contracts for demolition work in London and the Midlands.

In total, the suppliers have been fined nearly £60 million with eight receiving a reduction in their fines as they entered into settlement agreements with the CMA, whereby they admitted their competition law infringement, were willing to pay a penalty and agreed to a streamlined administrative process. Two of the settling parties had also reported their illegal conduct under the CMA’s leniency policy and benefitted from a separate reduction in their

fines. Three individuals have received director disqualifications of between four and a half and seven and a half years and these periods; the disqualification period had been reduced as the directors had voluntarily agreed to the disqualification by means of undertakings rather than the CMA having to obtain court orders.

The CMA emphasised the “complex and large-scale” nature of the investigation which it had launched in 2019. Fifteen dawn raids were undertaken as well as thirty-five people being interviewed and over 120 information notices being served. As part of its investigation, the CMA had conducted a detailed review of emails, mobile communications and financial records.

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Employers Beware

The CMA has published [guidance](#) for employers on how to avoid breaching competition law in connection with setting wages and working conditions for employees and the hiring of staff. It provides a reminder that no-poaching and wage-fixing agreements (whether in writing or informal, gentlemen’s agreements) and the sharing of sensitive information (about their terms and conditions of employees’ contracts) between businesses are examples of illegal behaviour.

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DATA PROTECTION

Jon Bartley

Data Protection and Digital Information (No. 2) Bill introduced into Parliament

A Data Protection and Digital Information (No 2) Bill (Bill 265 2022-23) (updated DPDI Bill) introduced into Parliament by Michelle Donelan, the Secretary of State for Science, Innovation and Technology. The DPDI Bill was first introduced into Parliament in July 2022 as Data Protection and Digital Information Bill 143 2022-23 and the government had suspended its progress in order to enable more time for discussions with businesses and other stakeholders on the Bill's proposed terms.

The Bill makes provisions including to:

- establish a framework for the provision of digital verification services to enable digital identities to be used with the same confidence as paper documents

- increase fines for nuisance calls and texts under the Privacy and Electronic Communications Regulations (PECR)
- update the PECR to cut down on 'user consent' pop-ups and banners allow for the sharing of customer data, through smart data schemes, to provide services such as personalised market comparisons and account management
- facilitate the flow and use of personal data for law enforcement and national security purposes.

Click [here](#) to read more.

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Deadline obligations to report breaches for communication service providers

The Information Commissioner's Office (ICO), following feedback, has published a statement containing obligations for communication service providers (CSPs). To reduce regulatory burden and offer more clarity, the ICO will use discretion in cases where the incident report is deemed unlikely to incur into individual rights and freedom risks if CSPs fail to meet the 24-hour deadline for reporting a personal data breach, provided that the breach is reported within 72 hours.

Failure to meet the deadline may result in enforcement action and a monetary penalty.

Click [here](#) to read more.

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ICO tips for compliance with the Children's code

The ICO has published guidelines to help game design companies comply with the Children's Code, which provides for protection of children in the digital world. These include gathering feedback from players, carrying out consultations, user testing and consulting children's right groups to ensure risks are assessed; include assessments of the game appeal towards children while the game is being designed; review of assessment after the game

is released to avoid that the appropriate age groups are playing it; risk assessment for randomised awards.

Click [here](#) to read more.

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Initiative to streamline GDPR enforcement rules

The European Commission has published an initiative aimed at streamlining how national data protection authorities cooperate to enforce GDPR in cross-border cases. The initiative looks to tackle a few issues arising from different approaches by the national authorities tasked with GDPR enforcement, including complaint handling, the form of complaints, duration of proceedings, the extent of the right to be heard and the moment in the procedure when it is granted, and the involvement of complainants during the procedure.

The feedback period closed on 24 March 2023.

Click [here](#) to read more.

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CYBER SECURITY

Richard Breavington

Consultation on software cyber security risks

The UK government has published a call for views aimed to gather information on cyber security risks of software used by businesses and organisations. The government will use the views to inform their mitigation response in relation to these risks.

The deadline to submit views closed on 1 May 2023.

Click [here](#) to read more.

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Guide for assessment of cybersecurity practices

HM Treasury has published the G-7 Fundamental Elements for Effective Assessment of Cybersecurity in the financial sector. The policy paper serves as a guide for effective cybersecurity practices, aiming to stimulate discussions on risk management that can inform entities, supervisors and independent assessors.

The paper lists five desirable outcomes deriving from implementation of the practices that mature entities are deemed likely to exhibit; and five assessment components that can be used to assess an entity's progress during their cybersecurity journey.

Click [here](#) to read more.

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Understanding and managing the risks in artificial intelligence (AI) technology projects

In the Autumn 2022 edition of [RPC's Retail Compass](#), we wrote about what you need to know to procure AI successfully. Having worked through these considerations and having successfully procured the right AI solution, this article addresses how to go about managing the risks and challenges that might arise during the deployment of the technology. Special risks associated with AI technology projects that should be borne in mind. These risks

arise in relation to a range of matters, including hardware, project management, licensing, data management and the nature of AI technologies.

Click [here](#) to read more

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ADVERTISING

Oliver Bray

Advertising guidance for green claims

The Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) have published updates to their advertising guidance in relation to green claims, in particular carbon neutral and net zero claims.

Given the ambiguity of the two terms, the CPA and BCAP advise advertisers and marketers to include information on the basis of the claims; include information as to how and to what extent omissions are being offset; disclose the strategy being followed in order to support claims about carbon neutrality; and include information on carbon offsetting schemes being used.

Click [here](#) to read more.

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UK bans “sustainable aviation” advertisements from Etihad Airways

Two Facebook advertisements posted by Etihad Airways in October 2022 were banned by the Advertising Standards Agency (ASA) in the UK, as they have been ruled to be misleading. The advertisements touted the airline’s tremendous progress towards “sustainable aviation,” but they omitted any reference of the damaging impacts of travel on the environment. The ASA

noted that, in accordance with UK marketing standards, absolute environmental statements like “sustainable aviation” must be strongly supported by evidence.

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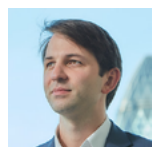


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NAVIGATING THE MAZE

From the world's largest financial, corporate and professional services firms, to highly successful entrepreneurs and individuals, many turn to our specialist Regulatory team to navigate the maze. They do this because they know we don't sit on the fence, we work with our clients to ask the tough questions and challenge conventions; ensuring they continue to thrive in a rapidly evolving regulatory world.

From helping to implement robust compliance strategies to conducting investigations and defending against enforcement proceedings, our multidisciplinary team can be relied on to add value, provide ideas and deliver a complete regulatory service whatever challenges you face, now and in the future.

- **White collar crime and investigations:** The burden of facing a regulatory or criminal investigation can be significant. We defend clients under investigation for regulatory breaches, corruption including; breaches of financial sanctions, false accounting, insider dealing and market misconduct.
- **Anti-bribery and corruption:** Our team works closely with clients to implement robust, cost effective anti-bribery programmes in line with international standards, and to manage risks and responses when things go wrong.
- **Anti-money laundering:** AML continues to be one of the most significant regulatory risks to firms. We help clients from implementing effective AML processes and controls to defending clients under investigation of breaches.
- **Data protection:** Protecting the data you hold has never before been so essential to your business. We regularly advise on data regulations, including GDPR, relating to subject access requests, data handling, sharing and processing, breaches, and training strategies.
- **Product liability and compliance:** Our Products team have the expertise you needed if you are faced with product recall or class actions.
- **Health, safety and environmental:** our expert team can support you whether you are shoring up your health, safety and environmental protocols, or facing an investigation in respect of an incident.
- **Tax investigations and dispute resolution:** Our dedicated tax dispute lawyers provide a comprehensive service covering pre-emptive advice on a wide range of risk issues, tax investigations and litigation before the tax tribunals and higher courts.
- **Insurance and financial services:** Our specialist lawyers advise on regulation, business and financial crime and compliance, including both contentious and non-contentious matters to ensure our clients avoid the pitfalls.
- **Competition and anti-trust:** No business can afford to ignore competition law. We help clients through all issues including; compliance, investigations, merger control, cartels and litigation.
- **Dawn raids:** A dawn raid situation can be extremely stressful – and if you get it wrong, the repercussions can be severe. Our experienced team can provide an immediate response to help you on the ground, as well as in the all-important preparation for the possibility of a dawn raid.
- **Professional practices:** Our team combines sector knowledge with regulatory expertise to provide comprehensive support and advice for professional services firms, covering all aspects of their regulated business.
- **Advertising and marketing:** Some of the world's largest corporates rely on us to keep their brand communications above board, from advertising standards to consumer regulation we help clients to simplify the complex.



RPC is a modern, progressive and commercially focused City law firm. We have 114 partners and over 900 employees based in London, Hong Kong, Singapore and Bristol. We put our clients and our people at the heart of what we do.

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