

7 September 2018

Data Sharing Code Call for Evidence  
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Dear Sirs

**PIMFA's<sup>1</sup> response to ICO Call for Views on updating the Data Sharing Code of Practice**

As you have already noted in the introduction to the Call for Views, the text of the Code of Practice is very out of date and will need to be brought in line with both GDPR and the Data Protection Act 2018.

Here are some general comments/suggestions that you may want to take into account when updating the text of the Code of Practice:

- The current text is lengthy and repetitive at times, and lacks references to relevant provisions/guidance. This results in the Code of Practice looking disconnected to the rest of the data protection "ecosystem" and may result in poor uptake from businesses. To avoid this and ensure that the Code of Practice becomes an integral part of a business's data protection setup, we suggest you add hyperlinks to ICO/WP29 guidance as well as to laws and regulations where relevant. This would link the Code of Practice to other relevant rules and guidance as well as removing the need for repetition.
- One example that you may want to consider putting in the Code of Practice, in the "Ad hoc or 'one-off' sharing" section, is one-off data sharing to the US for a pension transfer where Privacy Shield is not applicable – how can this be done without a data sharing agreement, which for a one-off transfer can be considered disproportionately costly?

If you have any queries or would like to discuss any of the above further please do not hesitate to contact us.

Yours faithfully



PIMFA

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<sup>1</sup>The Personal Investment Management & Financial Advice Association (PIMFA) is the UK's leading trade association for firms that provide investment management and financial advice to everyone from individuals and families to charities, pension funds, trusts and companies.

Our objective is to create the optimal operating environment for our member firms to deliver their services and meet client's needs. PIMFA also leads the debate on policy and regulatory recommendations to ensure that the UK remains a global centre of excellence in the investment management and financial advice arena.

PIMFA was created in 2017 as the outcome of a merger between the Association of Professional Financial Advisers (APFA) and the Wealth Management Association (WMA) with a history as a trade association going back for 27 years.