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MP112 ‘Setting the Privacy Assessment Assurance Status’

Annex A

Legal text – version 2.0

About this document

This document contains the redlined changes to the SEC that would be required to deliver this Modification Proposal.

These changes have been drafted against SEC Version 7.0.

This document contains the changes required to deliver the Proposed Solution.

Section I 'Data Privacy'

Amend Section I2.33 as follows:

Initial Full Privacy Assessment: User Entry Process

- I2.29 Sections I2.31 to I2.36 set out the applicable privacy requirements referred to in Section H1.10(d) (User Entry Process Requirements).
- I2.30 For the purposes of Sections I2.31 to I2.36, any reference in Sections I1.2 to I1.5 or the preceding provisions of this Section I2 to a 'User' or 'Other User' (or to any related expression which applies to Users), shall be read as including a reference (or otherwise applying) to any Party seeking to become a User by completing the User Entry Process for the User Role of Other User.

Initial Full Privacy Assessment

- I2.31 For the purpose of completing the User Entry Process for the User Role of Other User, a Party wishing to act in that User Role shall be subject to a Full Privacy Assessment.

Panel: Setting the Assurance Status

- I2.32 Following the receipt by it of the Privacy Assessment Report and Privacy Assessment Response produced after the initial Full Privacy Assessment, the Panel shall promptly consider both documents and set the assurance status of the Party, in relation to its compliance with each of its obligations under Sections I1.2 to I1.5, in accordance with Section I2.33.

- I2.33 The Panel shall set the assurance status of the Party as one of the following:

- (a) approved;
- (b) approved, subject to the Party:
 - (i) taking such steps as it proposes to take in its Privacy Assessment Response in accordance with Section I2.23(b); or
 - (ii) both taking such steps and being subject to a further Privacy Assessment of such nature and by such date as the Panel may specify;
- (c) ~~deferred and:~~
~~provisionally approved, subject to:~~
 - (i) the Party having first taken such steps as it proposes to take in its Privacy Assessment Response in accordance with Section I2.23(b) and been subject to a further Privacy Assessment; and
 - (ii) the Panel having determined that it is satisfied, on the evidence of the further Privacy Assessment, that such steps have been taken; or
- (d) ~~rejected and:~~
~~deferred, subject to:~~
 - (i) the Party ~~shall have a second amending Full~~its Privacy Assessment ~~Response~~ to address any issues identified by the Panel as being, in the opinion of the Panel, not adequately addressed in that response as submitted to Panel; and

- (ii) upon completion of the second Full Privacy Assessment the Panel will reconsidering the assurance status in accordance with Section I2.32 ~~in the light of such amendments to the Privacy Assessment Response.~~

Approval

I2.34 For the purposes of Sections H1.10(d) and H1.11 (User Entry Process Requirements):

- (a) a Party shall be considered to have successfully demonstrated that it meets the applicable privacy requirements of this Section I2 when:
 - (i) the Panel has set its assurance status to 'approved' in accordance with either Section I2.33(a) or (b); or
 - (ii) the Panel has set its assurance status to '~~deferred~~provisionally approved' in accordance with Section I2.33(c) and the requirements specified in that Section have been met; and
- (b) the Panel shall notify the Code Administrator as soon as reasonably practicable after the completion of either event described in paragraph (a)(i) or (ii).

Obligations on an Approved Party

I2.35 Where the Panel has set the assurance status of a Party to 'approved' subject to '~~one of the requirements~~' specified in Section I2.33(b), the Party shall take the steps to which that approval is subject in accordance with that section.