

Appendix 2

Overview of Data Use Access Act (DUAA) 2025

NB. Not all changes are applicable to MDDC.

What data protection laws does the DUAA change?

The DUAA amends, but does not replace, the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018 (DPA) and the Privacy and Electronic Communications Regulations (PECR).

How might the DUAA help us to innovate?

The DUAA might help you to innovate in the following ways:

- **Research provisions:** it makes it clearer when you can use personal information for the purposes of scientific research, including commercial scientific research. It clarifies that people can give 'broad consent' to an area of scientific research.
- **Privacy notices:** it allows you to re-use people's personal information for scientific research without giving them a privacy notice, if that would involve a disproportionate effort. So long as you protect their rights in other ways and still explain what you're doing by publishing the notice on your website.
- **Automated decision-making:** it opens up the full range of reasons, or 'lawful bases', that you can rely on when you use people's personal information to make significant automated decisions about them. So long as you continue to apply appropriate safeguards. This potentially includes allowing you to rely on the legitimate interests lawful basis for this type of processing. This doesn't apply to special category data which is more protected.
- **Cookie rules:** it allows you to set some types of cookies without having to get consent, such as those you may use to collect information for statistical purposes and improve the functionality of your website.

How might the DUAA make things easier for us?

The DUAA might make things easier for you in the following ways:

- **New 'recognised legitimate interests' lawful basis:** when you use personal information for certain 'recognised legitimate interests', it removes the need for you to balance the impact on the people whose personal information you use, against the benefits arising from that use. For example, when protecting public security.
- **Disclosures that help other organisations perform their public tasks:** it allows you to give personal information to organisations such as the police, without having to decide whether that organisation needs the information to

perform its public tasks or functions. Instead, the organisation making the request is responsible for this decision.

- **Assumption of compatibility:** it allows you to assume that some re-uses of personal information are compatible with the original purpose you collected it for, without having to do a compatibility test. This includes disclosing personal information for the purposes of archiving in the public interest, even if you originally only got consent for a different purpose.
- **‘Soft opt in’ for charities:** if you’re a charity, it allows you to send electronic mail marketing to people whose personal information you collect when they support, or express an interest in, your work, unless they object.
- **Subject access requests (SARs):** it makes it clear that you only have to make reasonable and proportionate searches when someone asks for access to their personal information.
- **Making things clearer:** it improves the way the law is written and structured to make it easier for you to follow and apply, but without materially changing how you can use personal information. For example:
 - it clarifies that direct marketing can be a legitimate interest; and
 - it rewords the test you need to apply when transferring personal information outside the UK.

Are there any new requirements for us to meet?

- **Children and online services:** if you provide an online service that is likely to be used by children, the DUAA explicitly requires you to take their needs into account when you decide how to use their personal information. You should already satisfy this requirement if you conform to our Age appropriate design code (AADC).
- **Data protection complaints:** if you don’t already do so, the DUAA requires you to take steps to help people who want to make complaints about how you use their personal information, such as providing an electronic complaints form. You also have to acknowledge complaints within 30 days and respond to them ‘without undue delay’.

(Source Information Commissioner’s Office)