

Criminal Justice Policy and Legislation Division,
Department of Justice,
Massey House,
Stormont Estate,
Belfast, BT4 3SX

By email only:

1st February 2022

Dear Charlotte's Law Review Team,

Re: Charlotte's Law – A public consultation

Thank you for inviting the Information Commissioner's Office (ICO) to respond to the above public consultation.

We have reviewed the consultation document and there are no major data protection concerns within the proposals that would warrant a formal consultation response from our office at this stage.

However, we would like to draw your attention to the obligations under Article 36(4) of the UK GDPR regarding the need to consult with the ICO if you do decide to go down a legislative route that involves the processing of personal data.

Article 36(4) imposes a requirement on Government Departments and relevant public sector bodies to consult with the ICO when developing policy proposals relating to the processing of personal data. Article 36(4) states that: "Member States shall consult the supervisory authority during the preparation of a proposal for a legislative measure to be adopted by a national parliament, or of a regulatory measure based on such a legislative measure, which relates to processing."

As the scope of the Article 36(4) obligation extends to general processing under the UK GDPR and Part 2 of the Data Protection Act 2018 (the DPA), it will be important for the Department of Justice (DoJ) to decide whether the processing arising out of any legislative proposals or amendments regarding Charlotte's law falls under the UK GDPR and Part 2 of the DPA, Part 3 of the DPA, or perhaps both.

If the DoJ does decide that consultation under Article 36(4) is necessary, we would require the completion and submission of an Article 36(4) Enquiry Form, which can be found [here](#).

While we have not responded in detail to the consultation proposals as they currently stand, we take this opportunity to stress the importance of taking the appropriate steps to ensure compliance with data protection legislation. You may find it helpful to consult our website and in particular the information that is contained within our [Guide to Data Protection](#).

Should you require further clarification on anything raised within this response, please feel free to contact us at ni@ico.org.uk.

Yours Sincerely,

Information Commissioner's Office – Northern Ireland