



Brexit Implications for Tourism Businesses

THOMSON HAYTON WINKLEY SOLICITORS



Two main issues

- ▶ Data Handling
- ▶ Employment of migrants

- ▶ Assuming that we will have a deal and that there will be no “no deal” Brexit.....

DATA HANDLING

- ▶ You must comply with General Data Protection regulations (GDPR) which came into force last year.
- ▶ There will be minimal changes to GDPR rules after Brexit.
- ▶ Currently data can flow freely across the European Economic Area providing you are complying with GDPR.
- ▶ Data transfers **to** businesses within European Economic Area will not be restricted which means you don't need to take any additional steps.
- ▶ If you receive personal data from a business or organisation in the EEA then it must comply with EU data protection

Receipt of personal data action points:

- ▶ During the Withdrawal Agreement the UK will negotiate with the EU to ensure that the EU issues an Adequacy Decision.
- ▶ An Adequacy Decision will enable companies from the EU to send data to UK businesses and individuals.
- ▶ If there was a no deal Brexit then an Adequacy Decision may take time in obtaining. If that happens then you will need to consider whether you want to amend your contracts with relevant tour operators.
- ▶ Information Commissioner Office website has these clauses available in a handy toolkit
- ▶ <https://ico.org.uk/for-organisations/data-protection-and-brexit/keep-data-flowing-from-the-eea-to-the-uk-interactive-tool/>

Employment of Immigrants

- ▶ When (if!) the UK leaves the EU with a deal it has been agreed:
 - ▶ 1. There will be an implementation period from the date of Brexit to 31 December 2020. Free movement will continue.
 - ▶ 2. EU Citizens who **resided** in the UK lawfully for 5 years by 31 December 2020 will be able to apply for **settled status** indefinitely (covers their immediate family)
 - ▶ 3. Those who have fewer than five years can apply for **pre-settled status** until they have achieved the five years.

Settled / Pre-Settled Status

- ▶ The deadline to apply for settled status or pre-settled status is currently the 30th June 2021.
- ▶ Failure to acquire settled or pre-settled status before the 30th June 2021 will render people illegal immigrants and subject to removal.
- ▶ There is a gap between 31 December 2020 and 30th June 2021. This will be difficult for employers to check whether an immigrant has applied for this status.

New migration policy?

- ▶ The new migrant policy is not known and is dependent upon the Government at the time.
- ▶ A new skills based immigration system had been proposed by Theresa May but it is not clear whether it will be adopted by Boris Johnson's Government.
- ▶ Jeremy Corbyn has intimated there will be freedom of movement still for European Workers after Brexit.

In practice

- ▶ After 31 December 2020 you will need to ensure before employing someone from Europe:
- ▶ They have settled status
- ▶ Or they have pre-settled status
- ▶ They have applied for the above (by 30th June 2021)
- ▶ Or they have visa

In summary

- ▶ Don't panic
- ▶ Check out ICO website and Government website
- ▶ Wait for the General Election!
- ▶ In the meantime keep trading.
- ▶ If you have any questions please ask either myself or colleague Suzie Fisher either afterwards or at our stand during the day.

Thank You

- ▶ For more information please contact
- ▶ Stuart Bailey or Suzie Fisher:
- ▶ Stuart.bailey@thwlegal.co.uk
- ▶ 01539 446585
- ▶ suzie.fisher@thwlegal.co.uk
- ▶ 01539 721945

Trusted Solicitors & Advisers
ThomsonHaytonWinkley

