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The Data (Use and Access) Act: What Businesses Need to Know

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What is the DUA Act?

- The DUA Act received Royal Assent on **19 June 2025**.
- Includes various updates to the UK's data protection framework, **focusing on areas such as scientific research and automated decision-making**.
- Looks to maintain alignment with core UK GDPR principles.



Key changes: Scientific Research Provisions

- The definition of scientific research has been clarified so that it explicitly includes:
 - Any research that can reasonably be described as scientific, including for the purposes of technology development, and
 - Commercial and privately funded projects.
- The DUA Act also introduces more flexible rules on further processing generally which will be useful in the context of scientific research.



Key changes: Automated Decision-Making (ADM)

- Under the UK GDPR (Article 22), ADM was generally prohibited unless a specific exemption applied.
- For **ADM using nonsensitive personal data**, the DUA Act removes the default prohibition where processing meets conditions and safeguards are in place.
- Existing safeguards apply, including:
 - Right to obtain human review,
 - Right to express one's view, and
 - Right to contest the decision.
- The **DUA Act introduces a new requirement** to provide affected individuals with information about automated decisions.

Key changes: Recognised Legitimate Interests

- The DUA Act:
 - introduces a **new list of 'recognised legitimate interests'** which do not require a legitimate interests assessment (LIA) to be performed.
 - clarifies that processing for direct marketing, intra-group transfer and network security can be based on the **legitimate interests legal basis but will require an LIA.**



Key changes: The UK's Privacy and Electronic Communications Regulations (PECR)

- Fines under the PECR were previously capped at £500,000 but will now be aligned with UK GDPR – **capped at £17.5 million or 4% of global turnover.**
- **Minor changes have been made to cookie consent rules,** making clear that certain low-risk cookies will not require user consent.



Business Implications: Compliance Updates

- Several **operational policies and notices** may need updates in light of the DUA Act:

Marketing

Automated-
Decision
Making

Cookies

Governance
Documents



Business Implications: Cross-Border Data Transfers

- The **UK's EU adequacy status under EU GDPR has been extended until 27 December 2025** (but remains under scrutiny).
- Businesses relying heavily on EU-UK personal data flows should:
 - Review their transfer mechanisms, and
 - Ensure contingency measures are in place.

Today's speakers

Today's presenters



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