

Ken Murphy, CEO, Tesco

cc

Dr Andrea Jelenik, Chairperson, European Data Protection Board
John Edwards, UK Information Commissioner
John Allan CBE, Chairman, Tesco

20 October 2022

Entry to Tesco stores conditional on unnecessary data processing

Dear Mr Murphy,

I write on behalf of the Irish Council for Civil Liberties (ICCL), Ireland's oldest non-profit human rights organisation. It has come to our attention that Tesco has made entry to retail stores in the UK conditional on subscription to the Tesco loyalty scheme. That scheme entails extensive data collection and processing. Entry to grocery stores is an essential requirement of daily life. Making entry to Tesco retail stores conditional on that collection and processing infringes the principle of data minimisation set out in Article 5(c) of the UK GDPR.

We note that Tesco operates 800 stores in the EU (Ireland, Czech Republic, Slovakia, and Hungary). Tesco's data broker subsidiary, Dunnhumby, operates undertakings across the EEA (Czech Republic, Denmark, Finland, France, Germany, Hungary, Ireland, Italy, Netherlands, Norway, Poland, Slovakia, Spain). Tesco also holds subsidiaries in mobile telephone and banking.

We will be obliged to take action if Tesco extends to any EEA country the practise of making access to stores conditional on subscription to its loyalty scheme. That action may entail communication, regulatory complaint, and litigation.

We would be grateful if you would draw this to the attention of your Privacy Executive Committee, Group Risk and Compliance Committee, Executive Committee, Audit Committee, and Board.

Sincerely,



Dr Johnny Ryan FRHistS
Senior Fellow