

PRIVACY AND INFORMATION SECURITY LAW BLOG

GLOBAL PRIVACY AND CYBERSECURITY LAW UPDATES AND ANALYSIS

August 2014

This Client Alert is a monthly update on privacy and cybersecurity developments as posted on Hunton & Williams' [Privacy and Information Security Law Blog](#). If you would like to receive email alerts when new posts are published, please visit our [blog](#) and enter your email address in the subscribe field.

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Upcoming NIST Workshop to Focus on Draft Privacy Engineering Concepts August 29, 2014

On September 15-16, 2014, the National Institute of Standards and Technology (“NIST”) will [sponsor a workshop](#) to further its Privacy Engineering initiative. The workshop will focus on developing draft privacy engineering definitions and concepts that will be explored in a forthcoming NIST report.

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California Lawmakers Pass Bill to Amend State's Breach Notification Law August 28, 2014

On August 19, 2014, California state legislators [made final amendments](#) to a bill updating the state's breach notification law. The amended bill, which passed the State Senate on August 21 and the Assembly on August 25, is now headed to California Governor Jerry Brown for signature. If signed, the scope of the existing law would extend to apply to entities that “maintain” personal information about California residents. Currently, only entities that “own” or “license” such personal information are required to implement and maintain reasonable security procedures and practices to protect the personal information from unauthorized access, destruction, modification or disclosure. [Continue reading...](#)

Germany Issues Revised Draft Cybersecurity Law

August 27, 2014

On August 19, 2014, the German Federal Ministry of the Interior published a revised draft cybersecurity law (the “Draft Law”). An earlier version of the law was published in [March 2013](#). The Draft Law is intended to serve as a cornerstone of Germany’s recently-announced digital agenda. [Continue reading...](#)

Hunton’s Centre for Information Policy Leadership Submits Comments to NTIA on Big Data August 20, 2014

On August 14, 2014, the Centre for Information Policy Leadership at Hunton & Williams (the “Centre”) submitted its [response](#) to the National Telecommunications and Information Administration’s (“NTIA’s”) [request for public comment](#) on big data and consumer privacy issues. The NTIA’s request, which follows the White House’s recent study of big data, the [May 2014 Big Data Report](#), and the associated [President’s Council of Advisors on Science and Technology Report](#), seeks further public input on how big data impacts the [Consumer Privacy Bill of Rights](#), and whether the Consumer Privacy Bill of Rights should be modified to contemplate big data. [Continue reading...](#)

UK Information Commissioner’s Office Publishes Big Data Report August 14, 2014

On July 28, 2014, the UK Information Commissioner’s Office (“ICO”) [released](#) a comprehensive report on [Big Data and Data Protection](#) (the “Report”). This is the first big data guidance prepared by a European data protection authority. The Report describes what is meant by “big data,” the privacy issues big data raises, and how to comply with the UK’s Data Protection Act in the context of big data. [Continue reading...](#)

Center for Digital Democracy Files Complaint and Calls for FTC Investigation of 30 Safe Harbor-Certified Companies August 14, 2014

On August 14, 2014, the Center for Digital Democracy (“CDD”) [filed](#) a [complaint](#) with the Federal Trade Commission and requested that the Commission [investigate](#) 30 companies certified to the U.S.-EU Safe Harbor Framework. In the complaint, CDD maintains that it analyzed 30 data marketing and profiling companies that currently are Safe Harbor-certified and identified the following five overarching themes that CDD claims “underscore the fundamental weakness of the Safe Harbor in its current incarnation,” including that the companies:

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Foreign Couple Found Guilty of Illegal Collection of Personal Information in Shanghai August 13, 2014

On August 8, 2014, a court in Shanghai found a foreign couple guilty of illegal collection of personal information. British national Peter Humphrey was sentenced to two and a half years of imprisonment and a fine of RMB 200,000, and his wife was sentenced to two years of imprisonment and a fine of RMB 150,000. In addition, Humphrey will be deported after serving his term. [Continue reading...](#)

APEC Privacy Update – Beijing Meetings August 13, 2014

On August 6-10, 2014, the APEC Data Privacy Subgroup (“DPS”) and its parent committee, the Electronic Commerce Steering Group (“ECSG”), met in Beijing, China, for another round of negotiations, meetings and workshops. The [Centre for Information Policy Leadership](#) at Hunton & Williams participated as part of the U.S. delegation. The principal focus of the meetings was again on the further implementation of the APEC Cross-Border Privacy Rules (“CBPR”) system and related work relevant to cross-border interoperability. The following is a summary of highlights and outcomes from the meetings:

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FTC Approves Another COPPA Safe Harbor Program August 11, 2014

On August 6, 2014, the Federal Trade Commission [announced](#) that it had approved a safe harbor program [submitted](#) by the Internet Keep Safe Coalition (“iKeepSafe”), stating the program provides the “same or greater protections” for children under the age of 13 as those contained in the new Children’s Online Privacy Protection Rule (the “COPPA Rule”). An updated version of the COPPA Rule [came into effect July 1, 2013](#). [Continue reading...](#)

FTC Releases Staff Report Recommending Transparency Improvements for Mobile Shopping Apps August 4, 2014

On August 1, 2014, the Federal Trade Commission [released](#) a new staff report examining the consumer protection implications of popular mobile device applications that provide shopping and in-store purchase services. The report, [What’s the Deal? An FTC Study on Mobile Shopping Apps](#), details the findings from a recent FTC staff survey that studied consumer rights and data protection issues associated with some of the most popular mobile shopping apps on the market. [Continue reading...](#)

Illinois Becomes the Latest State to “Ban the Box” August 4, 2014

As reported in the [Hunton Employment & Labor Perspectives Blog](#):

Illinois recently joined a growing number of states and municipalities that have passed “ban the box” laws regulating when employers can inquire into an applicant’s criminal history. [Continue reading...](#)

FTC Seeks Public Comment on Telemarketing Sales Rule August 1, 2014

On July 31, 2014, the Federal Trade Commission published a [notice](#) in the Federal Register indicating that it is seeking public comment on its Telemarketing Sales Rule (“TSR”) as “part of the FTC’s systematic review of all current Commission regulations and guides.” In the [press release](#) accompanying the Federal Register notice, the FTC stated that its questions for the public focus on (1) the use and sharing of pre-acquired account information in telemarketing, and (2) issues raised by the use of negative-option and free-trial offers in combination with general media ads designed to generate inbound telemarketing calls from consumers. The FTC’s review process comes less than a year after the [Federal Communications Commission’s revisions](#) to its Telephone Consumer Protection Act rules became effective. [Continue reading...](#)

European Commission Announces EU-Wide Logo and Data Protection Impact Assessment Process for RFID Systems
August 1, 2014

On July 30, 2014, the European Commission [announced](#) two new EU standards to help users of Radio Frequency Identification (“RFID”) smart chips and systems comply with both EU data protection requirements and the European Commission’s [2009 Recommendation on RFID](#). Among other suggestions, the Recommendation discussed the development of a common European symbol or logo to indicate whether a product uses a smart chip. One of the new standards will provide companies with a framework for the design and display of such a logo. The logo will inform consumers of the presence of RFID chips (for example, when using electronic travel passes or purchasing items with RFID tags). The Commission reiterated that such smart chips should be deactivated by default immediately, and free of charge, at the point of sale. [Continue reading...](#)



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