

January 2015

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Finland Introduces New Electronic Privacy Requirements for Online Communications Services Providers January 29, 2015

On January 1, 2015, Finland's Information Security Code ([2014/ 917](#), the "Code") became effective. The Code introduces substantial revisions to Finland's existing electronic communications legislation and consolidates several earlier laws into a single, unified text. Although many of these earlier laws remain unchanged, the Code includes extensive amendments in a number of areas. [Continue reading...](#)

European Data Protection Supervisor Speaks on Data Protection Day January 29, 2015

On January 28, 2015, in connection with Data Protection Day, newly appointed European Data Protection Supervisor (“EDPS”) Giovanni Buttarelli [spoke](#) about future challenges for data protection. Buttarelli encouraged the EU “to lead by example as a beacon of respect for digital rights,” and “to be at the forefront in shaping a global, digital standard for privacy and data protection which centers on the rights of the individual.” Buttarelli stressed that in the context of global technological changes, “the EU has to make existing data protection rights more effective in practice, and to allow citizens to more easily exercise their rights.” [Continue reading...](#)

German DPAs Host Event Regarding U.S.-EU Safe Harbor Framework and Initiate Administrative Proceedings Against Two U.S. Companies January 28, 2015

On January 28, 2015, the German conference of data protection commissioners hosted a European Data Protection Day event called [Europe: Safer Harbor for Data Protection? – The Future Use of the Different Level of Data Protection between the EU and the US](#). [Continue reading...](#)

FTC Releases Report on Internet of Things January 28, 2015

On January 27, 2015, the Federal Trade Commission [announced](#) the release of a report on the [Internet of Things: Privacy and Security in a Connected World](#) (the “Report”). The Report describes the current state of the Internet of Things, analyzes the benefits and risks of its development, applies privacy principles to the Internet of Things and discusses whether legislation is needed to address this burgeoning area. The Report follows a [workshop](#) by the FTC on this topic in November 2013. [Continue reading...](#)

Federal Court Grants Partial Summary Judgment to Government in an Action Against Dish Network Alleging Telemarketing Violations January 21, 2015

On January 21, 2015, the Federal Trade Commission [announced](#) that the U.S. District Court for the Central District of Illinois [granted](#) partial summary judgment on December 12, 2014, to the federal government in its action against Dish Network LLC (“Dish”), alleging that Dish violated certain aspects of the Telemarketing Sales Rule (“TSR”) that restrict placing calls to numbers on the National Do-Not-Call Registry and an entity’s internal Do-Not-Call list. The federal government is joined in the action against Dish by four state attorneys general alleging violations of the Telephone Consumer Protection Act and certain state laws related to telemarketing. [Continue reading...](#)

German DPA Appeals Court Decision on Facebook Fan Pages and Suggests Clarification by ECJ on Data Controllability January 22, 2015

On January 14, 2015, the data protection authority of the German federal state of Schleswig-Holstein (“Schleswig DPA”) [issued](#) an appeal challenging a September 4, 2014 [decision](#) by the Administrative Court of Appeals, which held that companies using Facebook’s fan pages cannot be held responsible for data protection law violations committed by Facebook because the companies do not have any control over the use of the data. [Continue reading...](#)

ENISA Issues Report on Implementation of Privacy and Data Protection by Design January 22, 2015

On January 12, 2015, the European Union Agency for Network and Information Security (“ENISA”) [published](#) a report on [Privacy and Data Protection by Design – from policy to engineering](#) (the “Report”). The “privacy by design” principle emphasizes the development of privacy protections at the early stages of the product or service development process, rather than at later stages. Although the principle has found its way into some proposed legislation (e.g., the proposed [EU General Data Protection Regulation](#)), its concrete implementation remains presently unclear. Hence, the Report aims to promote a discussion on how the principle can be implemented concretely and effectively with the help of engineering methods. [Continue reading...](#)

Proposed Indiana Law Would Raise Bar for Security and Privacy Requirements January 20, 2015

Indiana Attorney General Greg Zoeller has prepared a new bill that, although styled a “security breach” bill, would impose substantial new privacy obligations on companies holding the personal data of Indiana residents. Introduced by Indiana Senator James Merritt (R-Indianapolis) on January 12, 2015, [SB413](#) would make a number of changes to existing Indiana law. For example, it would amend the existing Indiana breach notification law to apply to all [data users](#), rather than [owners of data bases](#). The bill also would expand Indiana’s breach notification law to eliminate the requirement that the breached data be computerized for notices to be required. [Continue reading...](#)

China’s State Administration for Industry and Commerce Publishes Measures Defining Consumer Personal Information January 16, 2015

On January 5, 2015, the [State Administration for Industry and Commerce of the People’s Republic of China](#) published its Measures for the Punishment of Conduct Infringing the Rights and Interests of Consumers (the “Measures”). The Measures contain a number of provisions defining circumstances or actions under which enterprise operators may be deemed to have infringed the rights or interests of consumers. These provisions are consistent with the basic rules in the currently effective P.R.C. Law on the Protection of Consumer Rights and Interests (“Consumer Protection Law”). The Measures will take effect on March 15, 2015. [Continue reading...](#)

French Data Protection Authority Issues New Referential Regarding Seals on Data Privacy Governance Procedures January 15, 2015

On January 13, 2015, the French Data Protection Authority (the “CNIL”) published a [Referential](#) (the “Referential”) that specifies the requirements for organizations with a data protection officer (“DPO”) in France to obtain a seal for their data privacy governance procedures. [Continue reading...](#)

President Obama Announces a National Data Breach Notification Standard and Other Cybersecurity Legislative Proposals and Efforts January 14, 2015

On January 13, 2015, President Obama [announced](#) legislative proposals and administration efforts with respect to cybersecurity, including a [specific proposal](#) for a national data breach notification standard. Aside from the national data breach notification standard, the President’s other proposals are designed to (1) encourage the private sector to increase the sharing of information related to cyber threats with the

federal government and (2) modernize law enforcement to effectively prosecute illegal conduct related to cybersecurity. [Continue reading...](#)

FTC Chair Calls for Security by Design, Data Minimization and Notice and Choice for Unexpected Uses in Remarks on the Internet of Things at the 2015 International Consumer Electronics Show January 13, 2015

On January 6, 2015, Federal Trade Commission Chairwoman Edith Ramirez gave the opening [remarks](#) on “Privacy and the IoT: Navigating Policy Issues” at the [2015 International Consumer Electronics Show](#) (“International CES”) in Las Vegas, Nevada. She addressed the key challenges the Internet of Things (“IoT”) poses to consumer privacy and how companies can find appropriate solutions that build consumer trust. [Continue reading...](#)

Safeway Reaches Settlement with California District Attorneys Over Allegations of Unlawful Disposal of Medical Records January 12, 2015

On January 5, 2015, the Alameda County District Attorney’s Office [announced](#) that Safeway Inc. (“Safeway”) has agreed to pay \$9.87 million to [settle claims](#) that the company unlawfully disposed of customer medical information and hazardous waste in violation of California’s Confidentiality of Medical Information Act and Hazardous Waste Control Law. In a series of waste inspections from 2012 to 2013, a group of California district attorneys and environmental regulators found that Safeway was disposing of both its pharmacy customers’ confidential information and various types of hazardous wastes in the company’s dumpsters. Based on the investigation, 42 California district attorneys and two city attorneys brought a complaint on December 31, 2014, alleging, among other things, that more than 500 Safeway stores and distribution centers engaged in the disposal of their customers’ medical information in a manner that did not preserve the confidentiality of the information. [Continue reading...](#)

President Obama Announces Initiatives on Data Security and Student Privacy January 12, 2015

On January 12, 2015, President Obama [announced](#) at the Federal Trade Commission several new initiatives on data security and consumer privacy as part of a weeklong focus on privacy and cybersecurity. He noted that on January 13 at the Department of Homeland Security, he would address how to improve protections against cyber attacks, and on January 14, he would address how more Americans can have access to faster and cheaper broadband Internet. He stated that the announcements he is making this week are “sneak previews” of the proposals he will make in next week’s State of the Union address. [Continue reading...](#)

Irish Government Files Amicus Brief in Microsoft Case January 7, 2015

In December 2014, we [reported](#) that various technology companies, academics and trade associations filed amicus briefs in support of Microsoft’s attempts to resist a U.S. government search warrant seeking to compel it to disclose the contents of customer emails that are stored on servers in Ireland. On December 23, 2014, the Irish government also [filed an amicus brief](#) in the 2nd Circuit Court of Appeals. [Continue reading...](#)

French Data Protection Authority Issues New Decision on Monitoring and Recording Telephone Calls in the Workplace
January 6, 2015

In a [decision](#) published on January 6, 2015, the French data protection authority (the “CNIL”) adopted a new Simplified Norm NS 47 (the “Simplified Norm”) that addresses the processing of personal data in connection with monitoring and recording employee telephone calls in the workplace. Data processing operations in compliance with all of the requirements set forth in the Simplified Norm may be registered with the CNIL through a simplified registration procedure. If the processing does not comply with the Simplified Norm, however, a standard registration form must be filed with the CNIL. The Simplified Norm includes the following requirements: [Continue reading](#)...



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