

September 2011

This Client Alert is a monthly update on privacy and information management 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.

Recent posts on the Privacy and Information Security Law blog include:

- [French Data Protection Authority Elects New Chair](#)
- [Angola Passes Personal Data Protection Law](#)
- [FTC Proposes COPPA Rule Changes](#)
- [Use of Google Analytics Now Lawful in Germany, Subject to Certain Guidelines](#)
- [Article 29 Working Party Meets with Europe's Online Advertising Industry to Discuss Self-Regulatory Framework](#)
- [UK ICO Says Private Sector "Isn't as Good as It Thinks It Is"](#)
- [HHS Issues New Model Privacy Notice for PHR Vendors](#)
- [Centre's Bruening Testifies at House Hearing on EU Internet Privacy Issues](#)
- [German State DPA Fines Payment Transaction Provider for Unlawful Transfer of Transaction Data](#)
- [IFAI Prepares for the 33rd International Conference of Data Protection and Privacy Commissioners](#)
- [How the Supreme Court's Decision in Sorrell v. IMS Health May Affect Forthcoming "Do Not Track" Legislation](#)
- [Online Tracking Practices Face Increasing Scrutiny](#)
- [FoxNews: Is There Need for a Data Security Law?](#)
- [Next Jump Agrees to Stop Using Borders Customer List and Trademarks](#)

French Data Protection Authority Elects New Chair **September 21, 2011**

On September 21, 2011, the board of the French Data Protection Authority (the "CNIL") elected Isabelle Falque-Pierrotin as its new Chair, following Alex Türk's [resignation](#) which he officially tendered at the board meeting. [Continue Reading...](#)

Angola Passes Personal Data Protection Law **September 19, 2011**

On June 17, 2011, the National Assembly of the Republic of Angola passed Law 22/11 on Personal Data Protection. The omnibus privacy legislation applies to the automated and non-automated processing of personal data by controllers based or operating in Angola, or subject to, or using equipment governed by, Angola's laws. Some highlights of the law are listed below. [Continue Reading...](#)

FTC Proposes COPPA Rule Changes **September 19, 2011**

On September 15, 2011, the Federal Trade Commission released [proposed amendments](#) to the Children's Online Privacy Protection Rule ("COPPA Rule" or "Rule"). These revisions follow the FTC's [review of the COPPA Rule](#), which resulted in numerous [comments](#) from various groups and individuals, as well as a [public round table](#) that took place on June 2, 2010. The proposed amendments reflect the FTC's commitment to "helping to create a safer, more secure online experience for children" in the face of rapid technological change. [Continue Reading...](#)

Use of Google Analytics Now Lawful in Germany, Subject to Certain Guidelines September 16, 2011

On September 15, 2011, the data protection authority of the German federal state of Hamburg (the "DPA") published a [press release](#) confirming that Google has significantly improved compliance with respect to the implementation of Google Analytics in Germany. This finding is the result of two years of fruitful dialog between Google and the DPA, which was acting on behalf of the conference of German data protection authorities responsible for the private sector (the "Düsseldorfer Kreis"). [Continue Reading...](#)

Article 29 Working Party Meets with Europe's Online Advertising Industry to Discuss Self-Regulatory Framework September 16, 2011

On September 14, 2011, the Article 29 Working Party (the "Working Party") met with representatives of the [European Advertising Standards Alliance](#) ("EASA") and [IAB Europe](#), to discuss the industry's [new self-regulatory code of conduct](#) for online behavioral advertising (the "Code"), which was released on April 14, 2011. [Continue Reading...](#)

UK ICO Says Private Sector "Isn't as Good as It Thinks It Is" September 16, 2011

On September 14, 2011, UK Information Commissioner Christopher Graham said that the private sector "isn't as good as it thinks it is" when it comes to data protection compliance, and that many of the compliance problems that arise originate in the private sector. While giving evidence to the House of Commons Justice Select Committee, the Commissioner criticized the private sector and, in particular, banks and other financial services companies. [Continue Reading...](#)

HHS Issues New Model Privacy Notice for PHR Vendors September 15, 2011

On September 12, 2011, the Department of Health and Human Services' [Office of the National Coordinator for Health Information Technology](#) ("ONC") [unveiled a model privacy notice](#) for personal health records (the "PHR Model Privacy Notice"). The PHR Model Privacy Notice was developed by ONC in collaboration with consumers and vendors of personal health records ("PHRs"). The PHR Model Privacy Notice is intended to enable consumers to "understand privacy and security policies and data sharing practice information, compare PHR company practices, and make informed decisions." [Continue Reading...](#)

Centre's Bruening Testifies at House Hearing on EU Internet Privacy Issues September 15, 2011

On September 15, 2011, the U.S. House of Representatives Subcommittee on Commerce, Manufacturing and Technology held a [hearing](#) on “the impact and burden” of European privacy regulation. [Paula Bruening](#), Vice President of the Centre for Information Policy Leadership at Hunton & Williams LLP, was one of five witnesses who testified at the hearing.

[Read Ms. Bruening’s testimony.](#)

German State DPA Fines Payment Transaction Provider for Unlawful Transfer of Transaction Data September 12, 2011

On September 12, 2011, the Commissioner for Data Protection and Freedom of Information of the German federal state of North Rhine-Westphalia (“DPA”) imposed a fine of €60,000 on Easycash GmbH (“Easycash”), a leading German service provider for electronic payments. [Continue Reading...](#)

IFAI Prepares for the 33rd International Conference of Data Protection and Privacy Commissioners September 12, 2011

Mexico’s Federal Institute for Access to Information and Data Protection (“IFAI”) will host the [33rd International Conference of Data Protection and Privacy Commissioners](#) in Mexico City on November 2-3, 2011. This year’s conference, entitled “Privacy: The Global Age,” will focus on the challenges associated with managing and protecting personal data in an era characterized by the constant, instantaneous transfer of information across the globe. IFAI President Jacqueline Peschard discussed the conference in further detail in an interview with Marty Abrams, President of the [Centre for Information Policy Leadership](#), during the [Centre’s First Friday Call on September 9, 2011](#). This year marks the first time that the conference will be held in Latin America.

For more information on the conference, visit www.privacyconference2011.org.

How the Supreme Court’s Decision in *Sorrell v. IMS Health* May Affect Forthcoming “Do Not Track” Legislation September 9, 2011

Following the [U.S. Supreme Court’s ruling in *Sorrell v. IMS Health*](#), [Thomas Julin](#), partner at Hunton & Williams LLP who represented IMS Health in the case, closely studied the Court’s decision to assess its implications, including with respect to other forthcoming legislation. In an interview with Marty Abrams, President of the Centre for Information Policy Leadership, during the [Centre’s First Friday Call on September 9, 2011](#), Julin discussed the close parallels between the law invalidated in *Sorrell v. IMS Health* and proposed federal regulation of behavioral advertising such as the “Do-Not-Track Online Act of 2011,” which was [introduced by Senator Jay Rockefeller](#) (D-WV) in May 2011.

[Listen to the full audio recording](#) of Thomas Julin discussing his views on the implications of *Sorrell v. IMS*.

[Read Julin’s article](#) on this topic published by *BNA’s Privacy and Security Law Report*.

Online Tracking Practices Face Increasing Scrutiny September 9, 2011

Over the past several weeks, online tracking practices involving the use of Flash cookies and ETags have been the subject of new research studies, class action lawsuits and significant media attention. [Continue Reading...](#)

FoxNews: Is There Need for a Data Security Law? September 8, 2011

On September 6, 2011, [Lisa J. Sotto](#), partner and head of Hunton & Williams' Privacy and Data Security practice, discussed why companies and individuals should be concerned about protecting their personal information in an [interview](#) with FoxNews.com.

[View the video](#) of Lisa's interview with Kimberly Guilfoyle.

Next Jump Agrees to Stop Using Borders Customer List and Trademarks September 8, 2011

On September 6, 2011, a bankruptcy court approved an [agreement](#) between bankrupt bookseller Borders Group, Inc. ("Borders") and Next Jump, Inc., ("Next Jump") regarding Next Jump's alleged trademark infringement and unauthorized use of Borders' customer information. Next Jump stipulated that it will not communicate with persons on Borders' customer list, and that it would remove the Borders name and marks from websites that Next Jump owns or operates. [Continue Reading...](#)



Visit our award-winning Privacy and Information Security Law Blog at www.huntonprivacyblog for global privacy and information security law updates and analysis.