PRIVACY & INFORMATION SECURITY LAW BLOG
Global Privacy and Cybersecurity Law Updates and Analysis

July 2017

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.

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

- CIPL and AvePoint Launch Second Annual GDPR Organizational Readiness Survey
- CNIL Extends Scope of Authorization on Whistleblowing Schemes
- CNIL Fines Rental Car Company for Data Security Failure Attributable to Third-Party Service Provider
- Singapore Submits Notice of Intent to Join the APEC CBPR and PRP Systems
- Nevada Enacts Website Privacy Notice Law
- FTC Launches Series of Blog Posts on "Reasonable Steps" to Protect Consumer Data
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- OCR Releases Improved Data Breach Reporting Tool
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- Information Security 101 with Lisa Sotto: Responding to a Data Breach
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- New Data Protection Enforcement Provisions Take Effect in Russia
- Article 29 Working Party Releases Opinion on Data Processing at Work

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CIPL and AvePoint Launch Second Annual GDPR Organizational Readiness Survey
August 1, 2017

With less than one year to go before the EU General Data Protection Regulation ("GDPR") comes into force, the Centre for Information Policy Leadership ("CIPL") at Hunton & Williams and AvePoint have launched the second annual GDPR Organizational Readiness Survey. Last year, over 220 predominantly multinational organizations participated in the study which focused on key areas of impact and change under the GDPR such as consent, legitimate interest, data portability, profiling, DPIAs, DPOs, data transfers and privacy management programs. This year's study revisits these important areas of impact and further considers additional topics. Continue Reading…

CNIL Extends Scope of Authorization on Whistleblowing Schemes
July 31, 2017

On July 25, 2017, the French Data Protection Authority ("CNIL") published their decision on the adoption of several amendments to its Single Authorization AU-004 regarding the processing of personal data in the context of whistleblowing schemes (the "Single Authorization"). The amendments reflect changes introduced by French law on December 9, 2016, regarding transparency, the fight against corruption and the modernization of the economy, also known as the "Sapin II Law." Continue Reading…

CNIL Fines Rental Car Company for Data Security Failure Attributable to Third-Party Service Provider

July 31, 2017

On July 27, 2017, the French Data Protection Authority ("CNIL") imposed a fine of €40,000 on a French affiliate of the rental car company, The Hertz Corporation, for failure to ensure the security of website users' personal data. Continue Reading…

Singapore Submits Notice of Intent to Join the APEC CBPR and PRP Systems
July 28, 2017

On July 27, 2017, Singapore submitted its notice of intent to join the APEC Cross-Border Privacy Rules ("CBPR") system and the APEC Privacy Recognition for Processors System ("PRP"). Singapore would be the sixth member of the CBPR system, joining Canada, Japan, Mexico, the United States and the newest member, South Korea. The announcement was made by Dr. Yaacob Ibrahim, Minister for Communication and Information, at the Personal Data Protection Seminar 2017. Continue Reading…

Nevada Enacts Website Privacy Notice Law
July 27, 2017

Recently, Nevada enacted an online privacy policy law which will require operators of websites and online services to post a notice on their website regarding their privacy practices. The Nevada law contains content requirements for online privacy notices, specifying that the notice must (1) identify the categories of personally identifiable information ("PII") collected through the website and the categories of third parties with whom PII may be shared; (2) provide information about users' ability to review and request changes to PII collected through the website; (3) disclose whether third parties may collect information about users' online activities from the website; and (4) provide an effective date of the notice. Continue Reading…

FTC Launches Series of Blog Posts on "Reasonable Steps" to Protect Consumer Data
July 26, 2017

On July 21, 2017, the FTC announced its publication of "Stick with Security," a series of blog posts on reasonable steps that companies should take to protect and secure consumer data. The posts will build on the FTC's Start with Security Guide for Businesses, and will be based on the FTC's 60+ law enforcement actions, closed investigations and questions from businesses. Every Friday for the next few months, the FTC will publish on its Business Blog a new post focusing on each of the 10 "Start with Security" principles. Continue Reading…

CJEU Declares Envisaged EU-Canada Data Transfer Agreement Incompatible with EU Law
July 26, 2017

On July 26, 2017, the Court of Justice of the European Union ("CJEU") declared that the envisaged EU-Canada agreement on the transfer of Passenger Name Records ("PNR Agreement") interferes with the fundamental right to respect for private life and the right to the protection of personal data and is therefore incompatible with EU law in its current form. This marks the first instance where the CJEU has been asked to rule on the compatibility of a draft international agreement with the European Charter of Fundamental Human Rights. Continue Reading…

OCR Releases Improved Data Breach Reporting Tool
July 25, 2017

On July 25, 2017, the U.S. Department of Health and Human Services' Office for Civil Rights ("OCR") announced the release of an updated web tool that highlights recent data breaches of health information. Continue Reading…

New Jersey Shopper Privacy Bill Signed into Law
July 24, 2017

On July 21, 2017, New Jersey Governor Chris Christie signed a bill that places new restrictions on the collection and use of personal information by retail establishments for certain purposes. The statute, which is called the Personal Information and Privacy Protection Act, permits retail establishments in New Jersey to scan a person's driver's license or other state-issued identification card only for the following eight purposes. Continue Reading…

Information Security 101 with Lisa Sotto: Responding to a Data Breach
July 13, 2017

In the third segment of this three-part series, Lisa Sotto, head of the Global Privacy and Cybersecurity practice at Hunton & Williams, discusses with The Electronic Discovery Institute how to respond to a data breach. It's necessary, says Sotto, to have appropriate processes in place before a breach occurs. The "most important first step is to ensure that, when an issue arises, it's escalated appropriately."

Watch the full video.

Lead Generation Business Settles FTC Charges That It Unlawfully Sold Consumer Data
July 12, 2017

On July 5, 2017, the FTC announced that Blue Global Media, LLC ("Blue Global") agreed to settle charges that it misled consumers into filling out loan applications and then sold those applications, including sensitive personal information contained therein, to other entities without verifying how consumers' information would be used or whether it would remain secure. According to the FTC's complaint, Blue Global claimed it would connect loan applicants to lenders from its network of over 100 lenders in an effort to offer applicants the best terms. In reality, Blue Global "sold very few of the loan applications to lenders; did not match applications based on loan rates or terms; and sold the loan applications to the first buyer willing to pay for them." The FTC alleged that, contrary to Blue Global's representations, the company provided consumers' sensitive information – including SSN and bank account number – to buyers without consumers' knowledge or consent. The FTC further alleged that, upon receiving complaints from consumers that their personal information was being misused, Blue Global failed to investigate or take action to prevent harm to consumers. Continue Reading…

China Publishes Draft Regulations on Protecting the Security of Key Information Infrastructure
July 11, 2017

On July 10, 2017, the Cyberspace Administration of China published a new draft of its Regulations on Protecting the Security of Key Information Infrastructure (the "Draft Regulations"), and invited comment from the general public. The Cybersecurity Law of China establishes a new category of information infrastructure, called "key [or critical] information infrastructure," and imposes certain cybersecurity obligations on enterprises that operate such infrastructure. The Draft Regulations will remain open for comment through August 10, 2017. Continue Reading…

Belgian Privacy Commission Issues Recommendation on Internal Records Under the GDPR

July 7, 2017

The Belgian Privacy Commission (the "Belgian DPA") recently released a Recommendation (in French and Dutch) regarding the requirement to maintain internal records of data processing activities (the "Recommendation") pursuant to Article 30 of the EU General Data Protection Regulation ("GDPR").

The Recommendation aims to provide guidance to data controllers and data processors in establishing and maintaining internal records by May 25, 2018. As of that date, the internal records requirement must be complied with, and the Belgian DPA must be able to request that such records are made available to it. Continue Reading...

Information Security 101 with Lisa Sotto: Types of Security Threats
July 6, 2017

In the second segment of this three-part series, Lisa Sotto, head of the Global Privacy and Cybersecurity practice at Hunton & Williams, discusses with The Electronic Discovery Institute the types of security threats facing global companies. "No industry is exempt; every company faces this threat. The bottom line is that cyber attackers are not discriminating," Sotto warns. In this segment, Sotto describes the various threat actors and types of attacks to which companies are most vulnerable.

Watch the full video.

New Data Protection Enforcement Provisions Take Effect in Russia
July 5, 2017

As reported in *BNA Privacy Law Watch*, on July 1, 2017, a new law took effect in Russia allowing for administrative enforcement actions and higher fines for violations of Russia's data protection law. The law, which was enacted in February 2017, imposes higher fines on businesses and corporate executives accused of data protection violations, such as unlawful processing of personal data, processing personal data without consent, and failure of data controllers to meet data protection requirements. Whereas previously fines were limited to 300 to 10,000 rubles ($5 to $169 USD), under the new law, available fines for data protection violations range from 15,000 to 75,000 rubles ($254 to $1,269 USD) for businesses and 3,000 to 20,000 rubles ($51 to $338 USD) for corporate executives. Continue Reading…

Article 29 Working Party Releases Opinion on Data Processing at Work
July 3, 2017

The Article 29 Working Party ("Working Party") recently issued its Opinion on data processing at work (the "Opinion"). The Opinion, which complements the Working Party's previous Opinion 08/2001 on the processing of personal data in the employment context and Working document on the surveillance of electronic communications in the workplace, seeks to provide guidance on balancing employee privacy expectations in the workplace with employers' legitimate interests in processing employee data. The Opinion is applicable to all types of employees and not just those under an employment contract (e.g., freelancers). Continue Reading…

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