

Global Data & Privacy Update

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ECJ hears Facebook privacy case

The European Court of Justice (ECJ) began the hearing this Tuesday of a complaint that US technology companies such as Facebook and Google, are in breach of European Union (EU) law. The case began in Ireland last year with a complaint by law student Schrems that Facebook was in breach of EU law by providing US intelligence services with the data of its EU users. It was brought on the grounds that "mass and undifferentiated" access to EU users' personal data under the Safe Harbour rules are a violation of EU law and may result in the end of Safe Harbor approvals.

US Cybersecurity bill introduces preventative measures

This week, a bill was introduced in the US which will see technology companies encouraged to share information about hacking threats with government agencies, if it becomes law. The "Protecting Cyber Networks Act" will encourage businesses to disclose information about hacks to civilian organisations for the prevention of future attacks. It is part of a programme of reform necessitated by the hacks on Sony Corporation and other major US corporations.

Report finds UK companies unprepared for data breaches

The Experian whitepaper issued this week has revealed that a high proportion of UK businesses are ill-prepared to deal with data breaches. One in five had experienced a data breach in the last two years and four in ten British adults have been affected by a data breach. The whitepaper highlights that many UK companies are lacking data breach response plans, reporting procedures, security assessments and cyber insurance and gives recommendations for rectifying this.

UK ICO takes action against pension texts

The Information Commissioner's Office (ICO) has taken enforcement action against Help Direct UK, a financial services call centre, for sending spam SMS messages about pension reviews and debt management. 187,960 messages were sent by the company over a nine month period, resulting in 659 complaints to the ICO. The action comes ahead of the 6 April 2015 change in law to remove the requirement that unsolicited messages must cause "substantial damage or substantial distress", which is expected to result in more enforcement action by the ICO.

Dutch Parliament considers data breach law

This week, the Dutch Parliament has been considering a draft law which would require personal data breaches to be reported and made public. The majority of the political parties are in favour of the law but there has been some criticism around the timing of the draft, in light of the impending EU data protection changes. Much debate has been heard around the requirement to report breaches which have a "significant possibility of negative consequences" as this definition could lead to high volumes of breaches being reported.

India court upholds internet free speech

On 24 March, India's Supreme Court saw a landmark ruling to strike out part of a law which curbed free speech on the internet. The offences of using the internet to send information that was: "grossly offensive", of "menacing character", or false and insulting and sending an email "for the purpose of causing annoyance or inconvenience" have been scrapped. This removes the three year jail penalty for offences under the law.

China to remove internet censorship ahead of 2022 Winter Olympics

Chinese officials have pledged to loosen China's grip on censorship of social media if Beijing succeeds in its bid to host the 2022 Winter Olympics. Sites such as Facebook, Twitter and YouTube are not widely accessible in China without the use of specialist software, primarily for the conservation of Chinese society and security. However, officials have confirmed that visitors, athletes and the press will get open internet access during the games. Information on how this will be achieved remains to be seen.

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