

Data & Privacy Update

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Heads of GCHQ, MI5 and MI6 to be questioned by MPs in public for first time

Following increasing concern about the scale of UK surveillance operations as a result of the information brought to light by the Snowden leaks, the intelligence chiefs have been called in to give evidence before the Intelligence and Security Committee in a televised session today. The meeting is of particular significance given that the individuals have never appeared in public together before, highlighting the high profile concerns regarding global data security, cyber hacking and data sharing.

Privacy International lodges OECD complaints against telcos

The privacy campaign group claims that leading telecommunications companies, including BT, Verizon Enterprise and Vodafone cable have violated numerous OECD guidelines by assisting GCHQ in its mass surveillance program, Tempora, by granting access to their fibre optic networks. They allege that the human rights to privacy and freedom of expression have been compromised by the companies' actions and have called on them to cease voluntary compliance with GCHQ and challenge requests from GCHQ and other government agencies where legally viable. To date, it appears that none of the companies took any legal steps to protect customers' rights, unlike many technology companies.

Insurance, aviation and shipping industries all warned of cyber security threats

IATA, the airline trade association has called on the industry and regulators to harmonise global aviation security and move to a risk-based system, noting that current security procedures are outdated and that the sector is potentially vulnerable to new, computer-based security threats.

In the same week, the shipping industry heard warnings that its increased reliance on technology renders both vessels and ports vulnerable to cyber attacks and at the Insurance Technology Congress, panelists warned that many companies are still failing to properly understand cyber threats. Service providers such as insurers are particularly attractive to financially motivated hackers.

Swisscom offers privacy haven

Swiss telecoms company, Swisscom, has announced that it is considering offering its cloud services to foreign companies who wish to benefit from Switzerland's strict privacy laws. Under Swiss law, all client data must be stored in Switzerland, and all data transfers between Swiss financial organisations must be carried out within Switzerland. Swiss companies would still be legally obliged to comply with formal data requests, and would find it difficult to guarantee data which crosses borders.

US Supreme Court upholds Facebook privacy settlement

This was the final decision in *Marek v Lane*, a class action brought by Facebook users over the company's Beacon advertising feature, which tracked members' activities and published details of their online purchases to their Facebook profiles. On 4 November, the judge agreed that the settlement agreement, in which USD 6.5 million of the USD 9.5 million payout will be used to set up an online privacy foundation, rather than to compensate users, was legitimate, as it would be impractical for Facebook to make individual compensation payments.

Apple joins Facebook, Yahoo! and Google's First Amendment case

Apple has just filed an amicus brief to the case lodged by other tech companies earlier in 2013, challenging the US government's restrictions on the disclosure of government data requests and demanding permission to reveal more information.

China introduces new consumer privacy protection

An amendment has been passed to the Law on the Protection of Consumer Rights and Interests aimed at improving consumer confidence and responding to the increase in e-commerce. Businesses operating in China will now be required, inter alia, to obtain consumer consent to the collection and use of their personal information, inform consumers how and to what extent such information will be used and keep the information confidential. The law is likely to result in an increased financial burden for companies, as many will be forced to review their data management procedures before the law enters into force on 15 March 2014.

For further information please contact:

Margaret Tofalides

E: margaret.tofalides@clydeco.com

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