Data protection

Sweden: Data protection regulator and tech industry criticise government on data retention

- Datainspektionen, Sweden’s data protection authority, and IT&Telekomföretagen, an association of Sweden’s technology companies, both issued statements this week to criticise the government’s plans to issue a new law on data retention.
- Taking part in a consultation over a government study on data retention, Datainspektionen criticised the government’s approach, suggesting it understated risks for the privacy of citizens. The regulator also expressed concerns over potential measures which would enable the police to decide whether to use data of personal communications without consulting any other government body.
- Datainspektionen suggested that the government waits for a verdict of the Court of Justice of the EU on EU data retention law before it legislates, a view shared also by IT&Telekomföretagen. The statement issued by Sweden’s tech companies association also warned that Sweden’s national rules on data retention are not in line with existing European case law.

Russia: New data localisation law comes into force

- Russia’s new data protection law came into force on 1 September, requiring companies operating online to save any personal data of Russian citizens within the Russian borders.
- Uncertainty over the definition of personal data and the scope of the new law have dominated the talks between Russian authorities and foreign Internet companies, such as Google, Facebook and Twitter, on how the new provisions are going to be implemented.
- However, Roskomnadzor, Russia’s Internet regulator denies that it targets Internet multinationals. “Transnational Internet giants are not the main object of attention for this law. It’s more about the banking sphere, air travel, hotels, mobile operators, e-commerce. This is what is important,” according to its spokesperson, Vadim Ampelonsky.
- Following statements of US Internet companies to the Russian authorities that they have no immediate plans to create data centres in Russia and they do not know when they will comply with the new law, the government has softened its stance, giving them more time to comply with the new rules.
- Law infringers can be included in Roskomnadzor’s blacklist, and fined. Moreover, Roskomnadzor could ask local Internet providers to block access to the infringer’s website.

Privacy

EU: Senior Commission officials to focus on the free flow of data following Commission re-shuffle

- The so-called free flow of data and its impact on Europe’s industry, innovation and user privacy will be among the top priorities of DG CNECT’s new Director-General, Roberto Viola and President Juncker’s new Policy Advisor on Innovation, Robert Madelin.
- Succeeding Robert Madelin in DG CNECT’s highest post, Roberto Viola has identified an industrial
strategy for EU’s digital sector as the next big thing for his Directorate-General. The free flow of data, its storage in the cloud and its processing by supercomputers will be key elements of this future strategy.

- Robert Madelin, who will have a broader mandate to advise the Commission’s president on innovation issues, will produce a report on innovation in the EU by the summer of 2016, which will not be made public.
- Madelin however revealed some of his first thoughts in an interview on 1 September, focusing particularly on how big data can enable the future of EU industry and suggesting a horizontal, principles-based approach in handling personal data, not allowing for any exceptions (e.g. on medical data).

World: Survey by privacy regulators shows concerns about children’s privacy online

- Many websites and apps targeting – among others – children are collecting too much personal information and sharing it with third parties, according to a series of national surveys conducted by privacy regulators.
- The global survey was published by the Global Privacy Enforcement Network (GPEN), a global forum where national regulators exchange views and best practices on privacy enforcement (see also statement by CNIL, the French national authority).
- The results were indeed worrying: from 1,494 websites inspected, more than 40% caused concern to the authorities as they collected more children’s’ data than necessary, communicated it to third parties, allowed re-directing to other websites or lacked effective means of protection of communications when it comes to underage users.
- National regulators will now communicate suggested changes to the websites in question, as a first means of addressing the situation.

France: NGOs challenge unpublished international surveillance decree

- On 1 September, French non-profit Internet Service Providers FDN and FDN Federation, as well as NGO La Quadrature du Net, submitted two legal challenges to the French Council of State (Conseil d’État) against a 2008 government decree on international surveillance.
- Following press revelations that the government had secretly issued rules enabling the mass tapping of electronic communications flowing in or out of France, the NGOs are challenging the decree’s legality and expressing their doubts over whether it contains any safeguards for human rights of French and foreign citizens.
- The French Council of State issues legal advice to the French government and acts as supreme Court for administrative justice; its decision will be relevant for future French policies in the area, especially as the government has announced it is considering a new bill on international surveillance.

EU: European Parliament to adopt report on surveillance in third countries

- On 8 September, the European Parliament will vote on a draft report on the impact of EU surveillance systems on human rights in third countries.
- Prepared by MEP Marietje Schaake (Netherlands, ALDE), the report addresses how modern technology created in Europe and exported to third countries can become a weapon in the hands of oppressive regimes, acting against media freedom or opposition.
- In an interview with the Parliament’s website, Schaae suggests increasing transparency in exports and licensing of IT products which could lead to increased surveillance of foreign citizens, as well as an enhanced use of encryption technologies to protect privacy.
- This runs against statements made by governments globally (including France and the UK) asking private companies to hand in the keys to their encrypted software to intelligence services in order to facilitate the fight against terrorism.
• The latest of a series of such incidents led to the incarceration of two British journalists by Turkish authorities for allegedly cooperating with Islamic State (ISIL) militants close to the country’s borders with Syria.
• The allegations are based on the fact that journalists used encrypted software for their communications similar to the one used by ISIL.

Cybersecurity

Germany: Internet industry calls for more investment in security of connected devices
• The Internet of Things (IoT) has a great potential for growth, according to Eco, the Association of German Internet Industry, ahead of its 5th Internet Security Days which will take place on 16-17 September in Bruehl.
• However the expansion of the IoT will be limited if users’ concerns over security of connected devices are not taken into account by the industry, according to the association.
• Studies and surveys cited by Eco suggest that one third of German citizens are afraid of ’losing control’ over a connected device, while two-thirds express concerns with relation to privacy and the IoT.
• Higher device security, clear rules on how personal data is used and stronger encryption of data transmitted between devices are three key areas where the industry should invest and seek improvement, according to Eco.

Copyright

EU: Online intermediaries might have more responsibility for illegal content, Oettinger says
• In an answer to a question by MEP Marc Tarabella (Belgium, S&D) on how to make the notice and action procedure more effective, EU Commissioner for the Digital Economy and Society Günther Oettinger stated that the European Commission might review legislation for online intermediaries, which could lead to technology companies assuming greater responsibility for removing illegal content online.
• The Commissioner did not suggest that existing rules are defective; he however did not rule out any possibilities when it comes to the review of legislation related to the responsibility of telecoms operators, Internet hosts and online platforms for hate speech, violence, child pornography or copyright-infringing content hosted by them.
• Before taking any decisions, the Commission intends to consult with stakeholders on the liability of intermediaries, as well as on the broader role of online platforms in EU’s economy.

General

France: Internet tax for audiovisual content is possible according to Culture Minister
• Fleur Pellerin, French Minister for Culture and Communications said on 2 September that the government is considering extending a tax on consumers of television services to Internet consumers.
• According to the minister, a large part of modern audiovisual content is accessed through the Internet and such a tax would expand the national tax base and make it more equitable.
• To make this happen, Pellerin might have to convince French Secretary of State for the Digital Economy Axelle Lemaire, who expressed her doubts about the effectiveness of the measure in increasing revenues and her fear that it would exclude the young and other vulnerable Internet users.