

European Regional Bureau Newsletter



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[Frédéric Donck](#)

Internet Access

EU: Commission answers Parliament question on Net Neutrality

- The European Commission (EC) came out in favour this week of recent efforts by the German Federal Network Agency (known as BNetzA) to preserve net neutrality.
- The EC's [statement](#) came following a [question](#) by MEP Timo Wölken (S&D, Germany) about the compatibility of Deutsche Telekom's StreamOn zero-rating service in Germany with the EU's Net Neutrality guidelines, which German authorities partially prohibited in December 2017.
- The EC welcomed the decision by the German regulator BNetzA in prohibiting certain aspects of Deutsche Telekom's zero-rating service, as a step forward in ensuring non-discriminatory traffic management. And reminded that the EU's net neutrality guidelines prohibits the deliberate slowing down of online content or services, unless the operator is responding to legal obligations to do so for the preservation of network security and temporary or exceptional congestion.

EU: BEREC request for input to its Work Programme of 2019

- As part of its yearly consultation to prepare its 2019 Work Programme, the Body of European Regulators for Electronic Communications (BEREC) is calling for input around its three strategic pillars: promoting competition and investment; promoting internal market; and empowering end users.
- Contributions are likely to be framed around the regulator's priorities for the medium term, which include: enabling 5G; responding to connectivity challenges and conditions for access to high-capacity networks; and monitoring potential bottlenecks in the distribution of digital services.
- Responses to the public consultation must be submitted through the [portal](#) by Friday 20 April at 18.00 CET.

Trust

US: Rushed Cloud Act sparks EU criticism

- The “Clarifying Overseas Use of Data (CLOUD) Act” passed its vote last week without any congressional debate after featuring as part of a \$1.3tr spending bill. The Act will grant American police new powers to access personal data needed for criminal cases but stored overseas.
- While the act came under sharp criticism by civil rights defenders in the United States, the European Commission was more reserved in its response as it is also planning to release a similar package in the coming months that would secure compatible rules on obtaining evidence stored in servers outside the EU’s jurisdiction. Commissioner Věra Jourová nonetheless, [rebuked](#) US authorities for rushing the passage of the Cloud Act as it was signed into law by President Donald Trump on Friday 23 March, saying in a statement that "the fast-track procedure that the US Government had used to adopt the Cloud Act, narrowed the room for the potential compatible solution between the EU and the US,".

Global: Backlash against Facebook continues

- Responding to European outrage around the unfolding Cambridge Analytica scandal, Mark Zuckerberg issued an apology in UK [papers](#) on Sunday 25 March and German [media](#) on 27 March.
- Věra Jourová, the European commissioner for justice and consumers, told German outlet Bild am Sonntag that the misuse of data from 50 million Facebook users “is completely unacceptable” and demanded clarification from the company on the exact number of European users affected.
- Among the 2.2bn users worldwide shaken by scandal, many have called for deleting their Facebook account, including Brian Acton, co-founder of WhatsApp who told his 32,000 Twitter followers to #deleteFacebook.
- Since the first revelations on Cambridge Analytica surfaced on March 20, the company [lost](#) \$60bn in market value. Company executives hope Mark Zuckerberg’s testimony to the House of Representative’s Energy and Commerce Committee on April 12 will help clarify the issue for the company’s investors.

Global: Facebook changes privacy settings and data-sharing policy

- Facebook has made changes to its privacy settings and tightened its rules on data brokerage to advertisement firms in an attempt to respond to accusations of mishandling the personal data of its users.
- Facebook also [announced](#) on Wednesday 28 March that it would shut down an advertising program that used data from third-party brokers to better target its users.
- The measures affect a group of so-called data brokers such as Acxiom Corp, Experian and Oracle Data Cloud, specialised in collecting shopping and location data from Facebook’s users in the US, Brazil, France, Germany, the UK, Australia and Japan, in order to then sell the data packets to advertisers. The advertisers would then use this data to develop highly targeted ads conveyed through Facebook.
- Facebook’s decision is likely to severely impact advertisement companies and customer product companies that are highly dependent on the information provided by third party data firms.

UK: Cambridge Analytica testimony

- Canadian whistle-blower Chris Wylie, the former director of research at Cambridge Analytica, [testified](#) in front of a UK parliament committee on Tuesday 27 March, on allegations that his former employer illegally collected the data of up to 50 million Facebook users.
- Wylie confirmed the illegal harvesting of data to the MPs and explained that his work had allowed Donald Trump's presidential campaign to gain unprecedented insight into voters' habits ahead of the 2016 vote.
- He added that a Canadian business with ties to Cambridge Analytica's parent company, SCL Group, also provided analysis for the Vote Leave campaign ahead of the 2016 Brexit referendum. This research, Wylie said, likely breached the U.K.'s strict campaign financing laws and may have helped to sway the final Brexit outcome.
- In response to the testimony, British politicians demanded on Wednesday 28 March that Alexander Nix, the suspended chief executive of Cambridge Analytica, give further evidence to a U.K. parliamentary committee on April 17. In previous testimony to the committee, Nix denied that his firm had provided any services to the Leave campaign ahead of Britain's referendum on EU membership.

EU: The EU's cybersecurity agency releases new report on Threat Intelligence Platforms

- The European Union's Agency for Network and Information Security (ENISA) released a [report](#) on Monday 26 March analysing the current limitations of what it calls "threat intelligence platforms".
- The reports highlights the rise of Threat Intelligence Platforms (TIPs), programmes and practices used by companies to collect, analyse, produce and integrate their own external intelligence. This analysis is then used to help the organisation improve its cyber threat capabilities and better achieve its desired policy outcomes.

EU: EU-US Privacy Shield, Two Years On

- In a blog [post](#) from Monday 26 March, the EU's Data Protection Supervisor, Giovanni Buttarelli, outlined the lessons learnt from two years of the EU and US Privacy Shield, arguing notably for the activation of safeguards already present in the legislation.
- Under the Privacy Shield [agreement](#), adopted in July 2016, third countries requiring access to the personal data of EU citizens must provide clear rationales for doing so.
- Buttarelli issues a strong defence of the Privacy Shield, explaining how it has built successfully on the previous Safe Harbour agreement, particularly in the provision of increased transparency of the US authorities on their activities around commercially-held data.
- But the Privacy Shield will not last forever, argues Buttarelli, who calls for a more comprehensive map of the legal bases used for data processing for law enforcement and intelligence purposes. This would help independent supervisory authorities elaborate their assessments.

EU: IMCO Committee debates free flow of non-personal data

- MEPs in the European Parliament's Committee for the Internal Market and Consumer Protection (IMCO), debated the draft report on the free flow of non-personal data on Thursday 22 March.
- Rapporteur Anna Maria Corazza Bildt (EPP, SE) highlighted the proposals strengths, particularly the increased cross-border mobility of non-personal data made possible

by the removal of data localisation and storage requirements; but also measures to ensure powers remain with competent authorities to request access to data that has been stored in another Member State; and finally, making it easier for professional users to port data between different cloud storage providers.

- Amendments to the Commission's [proposal](#) were submitted by the committee's members on Tuesday 27 March 2018.

EU: The Commission opens a call for feedback on the creation of its new cybersecurity competence network

- The European Commission's Directorate-General for Communications, Networks, Content and Technology (DG Connect) launched an Inception Impact Assessment on its Proposal to create a cybersecurity competence network with a European Cybersecurity Research and Competence Centre.
- The competence network would bring together a number of existing cybersecurity centres of expertise with a European Research and Competence Centre in order to pool together resources across the EU's 28 Member States and overcome fragmentary efforts in producing state-of-art European cyber products.
- Stakeholders have until April 23 2018 to provide feedback to the EC's plans.

NL: Surveillance powers of Dutch Intelligence agency curtailed

- Dutch intelligence and security agencies could see their powers curtailed after a majority of citizens voted in favour of scaling back recently granted surveillance powers, according to official results from a referendum held last week.
- According to official referendum [results](#) released by the Dutch Election Council, 49.5 percent voted against the new powers, while 46.5 percent voted in favor. Four percent abstained in the vote, with a turnout of 51.5 percent.
- Prime Minister Mark Rutte's government faced criticism over the law, notably because one party in his current coalition, the Liberal D66 group, campaigned against the new powers last year when it was part of the opposition.