

UK

Investigatory Powers Act Given Royal Assent

On Tuesday 29 November the [Investigatory Powers Act 2016](#) [received royal assent](#) – passing through the last stage of the parliamentary process to come into force as law.

Information Commissioner's Office (ICO) Issues More Fines to Companies Sending Spam Texts

Two companies – [Silver City Tech Ltd](#) and [Oracle Insurance Brokers Ltd](#) – have been fined a cumulative total of £130,000 for sending what the [ICO describes as “millions of spam texts”](#). Spam texting is a practice that the ICO has been particularly keen to clamp down on and in recent months has been pursuing aggressively. In this case, both companies tried to rely on the fact that it was a third party that delivered the message, but Andy Curry of the ICO enforcement team was clear in stating that it is the “people behind the message whose job it is to make sure it complies with the law.”

France

Class Action for Data Protection Newly Introduced in France

Under the [law of 18 November 2016 on the modernisation of justice for the 21st century](#) a new article 43 has been added to the French data protection act (DPA).

This addition provides that a class action can take place where several individuals are placed in a similar situation and suffer loss arising from a breach of the DPA by a data controller or data processor. Such an action can only ensure the cessation of that breach and individuals cannot obtain damages.

The new article 43 may be exercised by certain data protection or consumer associations as well as trade union organisations on behalf of employees or civil servants.

Germany

Statement of Länder Data Protection Authorities on Representation in the European Data Protection Board

At the 92nd Conference of the Data Protection Authorities of the Bund and the Länder, the Länder have made [a statement](#) on their future organisational structure with regard to the General Data Protection Regulation (GDPR). The Länder appealed to the German federal legislator to account for the independence of data protection authorities and the federal division of powers when regulating the representation of Germany in the European Data Protection Board (EDPB). It shall therefore be possible for both the federal authority and the Länder authorities to represent Germany in the EDPB. The Conference of the Data Protection Authorities of the Bund and the Länder shall be competent to designate the two representatives in the EDPB.

Voßhoff Criticises Unlawful Storage of Personal Data in Drug Files

The Federal Data Protection Commissioner, Andrea Voßhoff, has [announced](#) that for years the criminal departments of the Bund and the Länder have unlawfully stored personal data in narcotic drugs files. This was the outcome of the first respective examination of the Data Protection Authorities of the Bund and the Länder. According to the examination, personal data has been recorded by these criminal departments, also in respect of minor cases. In many cases there was no justification for assuming that future criminal acts could be expected. The criminal departments often also failed to check whether personal data had to be deleted after an acquittal or a termination of proceedings.

Voßhoff Reports on 38th International Data Protection Conference in Marrakech

Andrea Voßhoff, the German Federal Data Protection Commissioner, has [reported on](#) the 38th International Conference of Data Protection and Privacy Commissioners in Marrakech, which brought together officials and civil organisations from 68 countries and the European Union. Amongst other things, it dealt with the privacy effects of digital technologies such as robotics, artificial intelligence and machine learning. Voßhoff announced that five new countries have been received by the conference and that a new working group has been formed, of which her office will make up a part.

The conference has adopted resolutions on privacy education in schools, the development of new measures for privacy regulation, the protection of human rights advocates and better international cooperation of supervisory authorities.

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