

## France

### French National Cybersecurity Agency Publishes New Label for Cloud Service Providers

The French National Cybersecurity Agency (ANSSI) has [published a finalised version of its new label](#) for cloud service providers called “SecNumCloud”. This replaces the initial 2014 standard called “Secure Cloud” and includes the repository requirements for the [“Essential” level](#). The requirements for the “Advanced” level will be released at a later date.

## Germany

### Data Protection Authorities: Health Apps and Wearables Do Not Pass Examination

The data protection authorities of the Bund, and many in the Länder (Brandenburg, Hessen, Niedersachsen or Schleswig-Holstein), have [presented the results of their random examination of health apps and wearables](#) from different providers. The Federal Data Protection Commissioner, Andrea Voßhoff, announced that most providers of such products did not comply with legal requirements such as adequately informing users about the processing and transfer of the data or allowing for data deletion. Many respective privacy policies proved to be too long, were difficult to understand, were not in the German language, or simply referred to the general privacy policy of the company. Since the market for health apps and wearables is booming, Voßhoff appealed to users to carefully pay attention to what happens to their sensitive data.

### Ministers of the Interior Call for Data Retention in Messenger Services

At its final meeting at the end of November 2016, the [Permanent Conference of the German Ministers of the Interior has called for, among other things, the extension of the requirement of data retention to messenger services](#). The initiative was justified by the threat of terrorist attacks and the rapidity of technological development. A new law on data retention was adopted in Germany in December 2015 which requires telecommunication providers to retain data such as phone numbers, time and place of communication (except for emails) and IP addresses for four or ten weeks.

### Bavarian Data Protection Authority Orders Fine for Conflicts of Interests of the internal DPO

[The Bavarian Data Protection Authority \(DPA\) has announced that it has ordered a fine against a Bavarian company](#) whose data protection officer (DPO) was subject to conflicts of interest. The DPA has reminded companies that they must appoint a DPO where the automated processing of personal data concerns at least 10 people. Companies are free to choose between an external or internal DPO. If they choose an internal DPO, the DPO cannot be responsible for tasks which are in conflict with the requirement of independence. The Bavarian DPA found that such a conflict existed in this case, as the DPO was also an IT manager. The DPA initially asked the company to appoint a new DPO, but after the company failed to demonstrate compliance for months, a fine was issued.

## EU

### Draft European Commission (EC) Regulation on EPrivacy Leaked

A draft proposal of the EC’s new ePrivacy regulation has been [leaked](#) on the politico website, a European politics and policy website. Following a [public consultation](#) on the [ePrivacy Directive](#) earlier this year, it was made clear that there were issues around the consistency of application across member states as well as the need to ensure alignment with the forthcoming [GDPR](#). In this regard, it is notable that this is a regulation and as such will not need to be transposed into national law. Much of the drafting reflects the EC consultation and includes, amongst other things: increased fines which are more aligned with those set out in the GDPR, a broader scope to include Over The Top (OTT) providers and changes to the rules on cookie consents.

### French and German National Cybersecurity Agencies Announce Results of Collaboration

The French National Cybersecurity Agency (ANSSI) and the Federal Office for Information Security in Germany (BSI) have [announced the creation of a new European label](#) “European Secure Cloud” or “ESCloud”. It is a great example of French and German cooperation as it brings two national initiatives ([SecNumCloud](#) and [BSI C5](#)) closer together in order to create a common basis for digital trust.

The ESCloud label rests on 15 core technical and organisational requirements, ensuring the relevance of both countries’ national initiatives in respect of the storage and processing of data on European territory. These core requirements have been designed based on the experience of France and Germany with the certification and qualification of security products and services, as well as the expertise of ANSSI and BSI.

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