

Germany

Federal Ministry of Transport and Digital Infrastructure Adopts New Draft Regulation on the Use of Drones

In a [press release](#), the German Federal Ministry of Transport and Digital Infrastructure announced that it has submitted a new draft regulation on the use of drones to the Federal Cabinet. The draft regulation aims at guaranteeing better airspace security and improving data protection. Its key provisions for drones weighing 0.25kg or more are:

- A labelling requirement
- A ban on flying drones over real estate or having recording capabilities for drones

For drones weighing more than 2kg, proof of expertise must be provided. However, the current general ban on the commercial use of drones when the operator is out of sight of the drone shall be abolished, in order to permit new business models. The next step in the legislative procedure will be a discussion in the *Bundesrat* (Federal Council).

Federal Data Protection Commissioner: National Amendment and Implementation of the GDPR Must Be Improved

On 1 February 2017, the German federal government adopted a draft law on a new Federal Data Protection Act based on the EU General Data Protection Regulation. The draft law will now be introduced in the *Bundestag*. In a [press release](#), the German Federal Data Protection Commissioner, Andrea Voßhoff, welcomed the quick adaptation of German data protection law in light of a changing legislative landscape on the European level. However, she also expressed clear criticism of the draft, in particular:

- The reduced rights of control for supervisory authorities over the police and the judiciary
- The limitation of data subjects' rights to information and to object
- The restriction of the principle of purpose limitation
- Shortcomings in amending areas of specific legislation such as social law

Voßhoff welcomed the plan to have a uniform and efficient representation of German supervisory authorities within the European Data Protection Board.

Bavarian Data Protection Commissioner Presents Activity Report for 2015/2016

The Bavarian Data Protection Commissioner, Thomas Petri, has presented the [27th Activity Report for 2015/2016](#) covering issues such as the implementation of the General Data Protection Regulation (GDPR), video surveillance in hospitals, schools and centres for asylum seekers and the outsourcing of data from hospitals, wearables and health apps. Petri appealed to the German Federal and Bavarian legislatures to implement the GDPR in such a way that the established national standards are not undermined. Concerning wearables and health apps, Petri stated that, particularly in the domain of statutory health insurance, the offer of price advantages may not be made dependent on consent to the use of data collected via such devices.

German Data Protection Commissioners Celebrate the 11th European Data Protection Day

On 28 January 2017, the Conference of German Data Protection Commissioners of the *Bund* and the *Länder* held a [conference on privacy and self-determination](#) in the age of Big Data and algorithms in Berlin. The conference coincided with the 11th European Data Protection Day, a Council of Europe initiative aimed at commemorating the adoption of the European Data Protection Convention in 1981. Andrea Voßhoff, the Federal Data Protection Commissioner, stated that data collection and data protection do not necessarily contradict one another. She explained that privacy should not be regarded as an economic obstacle but as a quality feature, and that the opportunities presented by digitalization should be brought into conformity with informational self-determination, for which the European General Data Protection Regulation sets the framework.

UK

Business Owners With CCTV Could Be Fined If They Fail to Register With the ICO

The Information Commissioner's Office (ICO) has [cautioned businesses](#) that if they use CCTV cameras, they must register with the ICO. This warning comes after the owner of a business was prosecuted recently for failing to register their use of in-store CCTV with the ICO. The defendant pleaded guilty and was fined £200 in addition to being ordered to pay £439.28 prosecution costs and a £20 victim surcharge. The annual fee for most businesses to register with the ICO is £35.

ICO Creates International Strategy and Intelligence Department

The Information Commissioner, Elizabeth Denham, [recently announced](#) the creation a Department for International Strategy and Intelligence (DISI) within the Information Commissioner's Office (ICO). Referring to the forthcoming replacement of the Article 29 Working Party by the European Data Protection Board (EDPB), the Commissioner acknowledged the necessity of maintaining a "constructive and mutually supportive relationship" with the EDPB after Britain's exit from the European Union when the ICO will cease to be a member of the EDPB. The DISI will have responsibility for maintaining relations with the EDPB and engaging with other data protection authorities on a bilateral basis for the purposes of enforcement. The Commissioner also alluded to other functions that the DISI will perform, including the development of a "new expanded intelligence function" and the "management of high profile cases".

US

US House of Representatives Passes Email Privacy Act

The US House of Representatives has again passed the [Email Privacy Act](#), which would require law enforcement to get a warrant to access emails older than 180 days old. The bill, which died in the US Senate in the last Congress, updates the 30-year old Electronic Communications Privacy Act. The legislation is supported by a number of civil liberties and technology groups. The bill now goes to the Senate Judiciary Committee where last year a proposed amendment by Senator John Cornyn (R-TX) would have allowed for expanded collection of certain types of information through the use of national security letters. That effort stalled the bill despite overwhelming support in the House. Senate Judiciary Committee action may be delayed principally because of the pendency of the recent US Supreme Court nomination.

Department of Justice Publishes "Covered Countries" Under Judicial Redress Act

The US Department of Justice has published the [list of "covered countries"](#) under the Judicial Redress Act (the Act). The Act was passed to afford non-US citizens privacy protection rights under US law for personal information transferred between the US and the EU Member States for the prevention, detection, investigation, or prosecution of criminal offences. To be covered by the Act, a country had to have agreed that the executive agreement negotiated between the EU and US, relating in part to such protections, applied in that country. The initial designations, which took effect on 1 February 2017, do not include Denmark, Ireland and the United Kingdom although the notice does indicate that they are expected to be designated "as soon as practicable" and that Ireland had already notified the EU that the requirements of the executive agreement apply in that country.

Contacts



Philip Zender

Partner, San Francisco
T +1 415 393 9827
E philip.zender@squirepb.com



Francesca Fellowes

Senior Associate, Leeds
T +44 113 284 7459
E francesca.fellowes@squirepb.com



Stephanie Faber

Of Counsel, Paris
T +33 1 5383 7400
E stephanie.faber@squirepb.com



Annette Demmel

Partner, Berlin
T +49 30 7261 68 108
E annette.demmel@squirepb.com



Caroline Egan

Consultant, Birmingham
T +44 121 222 3386
E caroline.egan@squirepb.com



Emma Garner

Associate, Leeds
T +44 113 284 7416
E emma.garner@squirepb.com