

EU

WP29 Examines Privacy Shield Issues in April Plenary Meeting

At its [April plenary meeting](#), the Article 29 Working Party (WP29) considered issues arising from the implementation of the EU-US Privacy Shield. The WP29 announced that a specific individual form will be published on the WP29 website and on websites of national data protection authorities for submitting requests to the US Ombudsperson. The WP29 has also started discussions with the European Commission regarding the annual joint review of Privacy Shield by US and EU authorities. The review will be scheduled in autumn 2017.

MEPs to Consider Recommendations on ePrivacy Regulation

MEPs from the Civil Liberties Committee recently [convened for a hearing](#) on the proposed ePrivacy Regulation (ePR). The Committee heard evidence from experts in fields relevant to the ePR. Polish MEP Michal Boni expressed concerns over the unintended consequences that might arise from the ePR for publishers of online local newspapers that are reliant on advertising revenue. Similarly, UK MEP Daniel Dalton said that he feared that EU citizens may opt out of cookies on a massive scale, which could threaten the ability of companies to offer free services. The Estonian MEP Marju Lauristin will present a report containing recommendations on the ePR to the Committee in June.

Germany

Berlin Data Protection Commissioner Issues Activity Report for 2016

The Berlin Data Protection Commissioner, Maja Smoltczyk, has presented her [198-page activity report for 2016](#) focusing on issues such as the Privacy Shield, the General Data Protection Regulation (GDPR), the legal limitations of outsourcing patient data in hospitals, libraries in the age of digitalization, privacy as a challenge and opportunity for start-ups, and privacy in the context of online financial service providers. In relation to the GDPR, Smoltczyk pointed out that the new privacy regime – with its higher sanctions – will apply immediately as of 25 May 2018, independent of any act of transposition by member states, which means that companies should not wait to see how the German legislature will approach the provisions of the GDPR, which allow some flexibility before acting.

Federal Data Protection Commissioner Welcomes Improvements of Draft Law on Automated Driving

Andrea Voßhoff, the Federal Data Protection Commissioner, has welcomed the improvements to the [draft amendment of the Road Transport Law](#) (*Straßenverkehrsgesetz*), which has recently been adopted by the Bundestag with the aim of creating a legal basis for automated driving and regulating respective liability issues. The draft introduces the duty to store car data that shows whether the car has been driven by an automatized function or by a driver, when the driver has been requested to assume control over the vehicle and whether there have been technical disturbances.

The improvements partly follow previous recommendations made by the Federal Data Protection Commissioner. The storage duty will be restricted to information on position and time and subject to a further ordinance to be adopted with the participation of the Federal Data Protection Commissioner. Voßhoff, however, criticised that the draft stipulates that data must be stored for six months even if no accident occurs.

UK

ICO Guidance on Consent Set for June 2017 Release

The Information Commissioner's Office (ICO) has received more than [300 responses from stakeholders](#) to its consultation on its GDPR consent guidance. The feedback from the consultation and guidelines from European authorities will influence the ICO's final consent guidance, which is set to be released in June 2017. The ICO has also confirmed that it will release a summary of the responses received during the consultation.

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

The contents of this update are not intended to serve as legal advice related to individual situations or as legal opinions concerning such situations nor should they be considered a substitute for taking legal advice.

© Squire Patton Boggs.

All Rights Reserved 2017