

## UK

### **ICO warns against use of surveillance as new CCTV code of practice is released**

The Information Commissioner's Office (ICO) has published an updated CCTV code of practice. The new guidance is broad in scope, covering data protection requirements around the use of not only traditional CCTV cameras, but also other emerging surveillance technologies, including body worn cameras and drones. The guidance explains the issues operators should consider before using such technology, the measures they should have in place to ensure they are not collecting excessive amounts of data and what steps need to be taken to keep the data secure. The new guidance was published on the same day the ICO warned operators that surveillance technologies should not be used as a mere matter of course but only as a necessary and proportionate response to a real and pressing problem.

[ICO – news release – 15 October 2014](#) and [ICO Blog – 15 October 2014](#)

### **ICO takes the unusual step of querying legal basis for data processing**

The ICO has obtained undertakings from the South Western Ambulance Service (SWAS), concerning the implementation of data sharing policies and security measures, following an incident involving seven disks containing sensitive patient data relating to over 45,000 individuals. SWAS safely sent the disks by recorded delivery to a Clinical Commissioning Group (CCG). It was subsequently discovered that the disks were unencrypted and the ICO's view was that this presented a potential security risk. In addition and not often seen, the ICO also queried the legal basis on which this data was shared with CCG. The ICO's view was that there was no justifiable legal reason for CCG to access this data and that additional data fields requested by CCG risked SWAS providing excessive information to CCG.

[ICO – undertaking document – October 2014](#)

## EU

### **Commission pledges €2.5 billion in big data PPP project**

The European Commission and Europe's data industry are to invest €2.5 billion in a public-private partnership (PPP) that aims to "strengthen the data sector and put Europe at the forefront of the global data race". According to the European Commission's press release, the PPP will "help [...] to support research and innovation in game-changing big data ideas in fields such as energy, manufacturing and health, [...] strengthen Europe's big data community [...] and support 'Innovation Spaces' that will offer secure environments for experimenting with both private and open data". The PPP is due to start on 1 January 2015.

[European Commission press release – October 2014](#)

### **Partial agreement reached on the Data Protection Regulation**

A committee of the EU's Council of Ministers met recently to discuss the new EU General Data Protection Regulation. Provisional agreement was reached on the wording of the data breach notification provisions. It was agreed that a data controller should be obliged to notify a personal data breach which may result in "physical, material or moral damage" to supervisory authorities within 72 hours of becoming aware of it. Individuals whose "rights and freedoms could be severely affected by the breach" should also be informed "without undue delay". Other provisions in the Regulation have yet to be agreed.

[Council of the European Union – Note – October 2014](#)

### **Google publishes statistics on 'right to be forgotten' requests**

Google has published a 'Transparency Report' providing information on the number of requests it has received in each EU member state to remove search results following the European Court of Justice's recent 'right to be forgotten' ruling. The report shows that, since Google launched its official request process at the end of May 2014, it has received the highest number of requests in France and Germany, relating to around 89,000 URLs in each country, with 36,500 URLs subsequently removed in France and 40,000 in Germany. Google received the third highest number of requests from the UK amounting to over 60,000 URLs, with 18,500 subsequently removed.

[Google Transparency Report – October 2014](#)

## **New report highlights the scale of data losses over the last decade**

The Centre for Media, Data and Society has published a report containing a statistical analysis of data breach incidents across Europe between 2005 and 2014. The report highlights that, in total, 227 million records were lost in Europe during that decade, meaning that for every 100 people in the countries covered by the report, 43 personal records were lost. 41% of losses were due to hacking incidents and 57% of losses were the result of organisational errors, insider abuse or other internal mismanagement.

[Center for Media, Data and Society – Data Breaches in Europe: Reported Breaches of Compromised Personal Records in Europe, 2005 – 2014](#)

## **International**

### **Agreement reached on international data protection enforcement**

Agreement has been reached on a framework for international data protection enforcement. The new framework, agreed at the International Conference of Data Protection and Privacy Commissioners, sets out how national regulatory authorities will work co-operatively on cross-border investigations, making them more effective and efficient. The UK Information Commissioner's Office plans to publish more details on the agreement next week.

[ICO – news release – 15 October 2014](#)

### **New privacy guidance for the banking sector in Hong Kong**

The Hong Kong Privacy Commissioner has issued new guidelines for banks on how to comply with their data protection obligations. The new guidance is in response to a sharp increase in complaints against banks concerning privacy matters, up from 198 cases in 2012/13 to 373 cases in 2013/14.

[Privacy Commissioner of Hong Kong – Guidance on the Property Handling of Customers' Personal Data for the Banking Industry – October 2014](#)

For further information on any of the items in this week's alert, please contact:

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