

UK

Security Updates Should be Applied to Avoid the Effects of Shellshock

The Information Commissioner's Office ("ICO") has warned organisations and individuals to update their IT systems without delay to avoid susceptibility to a newly discovered software flaw, known as 'Shellshock'. The flaw allows vulnerable IT systems to be accessed and controlled remotely, potentially compromising the security of personal data.

[ICO – Statement – September 2014](#)

ICO Issues Monetary Penalty for Nuisance Calls

The ICO has issued a monetary penalty of £70,000 to a company responsible for making nuisance payment protection insurance (PPI) claims calls. Despite a warning from the ICO, the company continued to make calls without checking if any the recipients were registered with the Telephone Preference Service (TPS), leading to 630 complaints to the ICO and TPS over a one year period. This takes the total fines imposed by the ICO for nuisance calls to £500,000.

[ICO – news release – 1 October 2014](#)

New Data Guidance for Claims Management Industry

The Ministry of Justice has published guidance for Claims Management Companies (CMC) on complying with the revised Conduct of Authorised Persons Rules 2014. The revised Rules, which came into force on 1 October 2014, address increasing instances of misconduct in the financial products and services sector. Amongst other things, the revised Rules and guidance introduce new requirements for CMCs on the handling of personal data, including requirements to ensure that data received from third parties is legally obtained and to comply with the Direct Marketing Association's recently amended Code of Practice.

[Ministry of Justice – Guidance note on the Conduct of Authorised Persons Rules 2014 – September 2014](#)

President of Supreme Court Calls for New Law on Internet Privacy

Supreme Court President, Lord Neuberger, took the opportunity in a speech opening a conference on privacy and the internet to call for a better balance between allowing freedom of expression online and the protection of individual privacy. He said that internet users should be subject to a new law which made it clear that, whilst they had the right to free speech, they also had responsibilities to those they wrote about. He said: "the law must reflect the importance of protecting this new platform for expression while recognising the need to determine the duties and responsibilities of those who exercise these vital rights".

[Supreme Court Speeches \(PDF\)](#)

Help Given to Charities to Manage Cyber-Security

IT, legal and privacy professionals are being invited to give a day of their time to help charities manage their data protection and information security obligations. The GiveADay initiative estimates that charities hold personal data (sometimes sensitive) on three out of four people but lack the resources necessary to put in place adequate information security protections, leaving them vulnerable to attack. GiveADay aims to address that problem by volunteers giving a day of their time to help charities implement appropriate cyber-security measures. GiveADay will be officially launched on 9 October.

Giveaday.co.uk

EU

Safe Harbor to Remain – At Least for Now

In response to questions from the European Parliament ahead of her official appointment as Europe's new Justice Commissioner, Věra Jourová has confirmed that although there is little confidence remaining in the EU/US Safe Harbor agreement, the agreement will remain in place until a viable alternative is found. She confirmed that one of her key objectives in her new role would be to ensure that EU citizens have rights of redress if their data is misused in the US. She also confirmed that a second objective was the adoption of swift modern data protection reform.

[Opening statement of Věra Jourová – October 2014](#)

WP29 Opinion on the IoT

The Article 29 Working Party (WP29) has published an opinion on the 'Internet of Things' (IoT). In the opinion, the WP29 gives a reminder that the Data Protection Directive applies in full to IoT. The WP29 highlights the specific privacy and security concerns associated with IoT (such as the need to obtain properly informed consent to the processing of personal data) and sets out the practical measures that must be taken by data controllers in the IoT environment to ensure compliance with data protection laws.

[WP29 – Press release – September 2014](#) and
[WP29 opinion – September 2014](#)

WP29 Provides Privacy Guidelines to Google

Following an investigation by EU data protection authorities into whether Google's privacy policy complied with European data protection legislation, the Article 29 Working Party (WP29) has sent a follow up open letter to Google. The letter reveals that the WP29 has provided Google with guidelines containing a common list of measures that Google could implement in order to meet its obligations with respect to European and national data protection legal frameworks on the collection and storage of data.

[WP29 open letter – September 2014](#)

Germany

New Guidelines on 'No Spy Decree'

The German Federal Ministry of the Interior (BMI) has published new guidelines on the scope and application of the so-called 'No-Spy Decree'. The decree requires anyone submitting a tender to German public authorities to declare if they are subject to a legal obligation to secretly disclose sensitive information to foreign intelligence services. The aim of the decree is to alleviate the burden of proof in favour of Germany because of the difficulty in verifying this type of disclosure. Accordingly, the declaration of a legal obligation to disclose confidential information or business secrets to third parties will be considered sufficient in order to exclude a tender from the bidding process.

[No Spy Decree and No-Spy Decree guidelines](#)

International

US

DOE Consults on Smart Grid Privacy Code of Conduct

The US Department of Energy (DOE) is consulting on a Voluntary Code of Conduct (VCC) relating to data privacy for smart grid technologies. Once in place, the VCC will create a voluntary, but legally enforceable, code of conduct for electric utilities and third parties providing consumer energy use services that will address privacy issues related to data enabled by smart grid technologies. The consultation is open until 14 October.

[Data Privacy and the Smart Grid: A Voluntary Code of Conduct \(VCC\) – Draft for public comment - September 2014](#)

Canada

Landmark Ruling on Right to Sue for Invasion of Privacy Awaited

The courts in Ontario are being asked to rule on whether patients whose medical records have been improperly accessed by the hospital holding the data and others can sue the hospital directly for invasion of privacy. Currently, breaches of the Personal Health Information Protection Act are the exclusive domain of the Ontario Privacy Commissioner. The courts are being asked to rule on whether that should continue to be the position in respect of medical records or whether affected individuals should be able to bring proceedings against the hospital directly, following the landmark case of *Jones v Tsige* in 2012. In *Jones and Tsige* a bank worker successfully sued a colleague – also her ex-husband's new wife – for repeatedly accessing her bank account details and was awarded \$10,000 in damages.

[Hopkins v Kay](#) and [Jones v Tsige](#)

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