

## **Germany**

### **Ministries Open Discussion on Scoring Reforms**

The Federal Ministries of Justice and the Interior published a study on German legislation relating to assessments of creditworthiness (scorings) calling for better protection of consumer rights and privacy. The study concludes that most consumers still do not know about their rights and often do not obtain adequate information from credit bureaux. The study suggests reforms like the obligatory use of pseudonyms or a user's right to objection. The Ministries invited companies, consumer associations, privacy watchdogs and sciences to take part in a broader discussion on scoring during a conference with the interested parties, planned for the beginning of 2015.

[German Federal Data Protection Authority press release and study](#)

### **Voßhoff Comments on ECJ Judgment Regarding Domestic Purpose Exemptions**

The Federal Privacy Commissioner, Voßhoff, has welcomed the recent ruling by the European Court of Justice which held that the Data Protection Directive applies to the use of cameras installed on a family home to protect the property, health and life of its owners, if the camera also monitors a public space. According to Voßhoff, the ruling confirms that the use of dashboard cameras recording the road traffic for the purpose of securing evidence is not compatible with privacy rights. However, the Commissioner also pointed to possible problems with an extensive interpretation of the Data Protection Directive, such as whether tourist recordings or the use of helmet cameras on ski slopes will now also be subjected to privacy provisions.

[German Federal Data Protection Authority press release](#)

### **Privacy Commissioners Concerned Over Fitness Apps for Health Insurances**

In reaction to media reports about new health insurance models, allowing customers to transmit their data to insurance providers through "fitness apps", in order to receive benefits, the German Federal Privacy Commissioner, Voßhoff, expressed doubts as to whether such practices are compatible with privacy law. She warned customers against comprehensive health profiles and predictions on their future health development.

[German Federal Data Protection Authority press release](#)

### **Government Adopts Draft Law on IT Security and Presents Respective Report**

As part of its "Digital Agenda", the German Federal Government recently adopted its draft law for better IT security in companies and official bodies, especially in the field of critical infrastructure such as energy supply. At the same time, the Government presented a report on IT security in Germany for 2014, warning against cyber-attacks that are carried out ever more often and more professionally. The draft, among other things, stipulates minimum security standards as well as reporting obligations for operators and providers of communication systems. The draft has previously been criticized by consumer associations and German Privacy Commissioners for insufficient protection of privacy rights.

[German Federal Data Protection Authority press release](#)

## **Hong Kong**

### **Hong Kong Privacy Commission Publishes Guidance on Cross-border Data Transfers**

The Hong Kong Privacy Commission (PCPD) has published guidance in relation to the cross-border transfer of personal data. The Guidance has been published ahead of the implementation of section 33 of the Personal Data (Privacy) Ordinance (Cap. 486) which will regulate international transfers of personal data. Although no date has yet been set for the implementation of section 33, organisations are being encouraged to prepare for eventual implementation by following the practices recommended in the Guidance. The Guidance also includes recommended model clauses to be used in cross border transfer agreements.

[PCPD press release and guidance](#)

## UK

### **The Upper Tribunal Dismisses Appeal by Goldsmith International Business School Limited in Relation to a First Tier Tribunal**

The Upper Tribunal (Administrative Appeals Chamber) has dismissed an appeal by Goldsmith International Business School Limited in relation to a First Tier Tribunal decision, which held that the Home Office was entitled to rely on the personal data exemption under section 40(2) of the Freedom of Information Act 2000 (FOIA). The First Tier Tribunal had upheld the Information Commissioner's decision that the Home Office did not have to disclose details of two of its immigration decisions following an information request from Goldsmith IBS. It was held that the immigration notices contained the personal data of applicants and disclosure would not be compatible with the first data protection principle. The Upper Tribunal also looked at the application of the "reasonable necessity" requirement in condition 6(1) of Schedule 2 to the Data Protection Act 1998 and held that the First-tier Tribunal had correctly observed that Goldsmith IBS's legitimate interest in having access to the information could be met by other methods which interfered less with students' privacy. The Upper Tribunal upheld the decision of the First-tier Tribunal and dismissed the appeal.

[Decision by the Upper Tribunal](#)

## US

### **Settlement Reached With Hospital Over Allegations of Data Security Breach**

The Massachusetts Attorney General has announced that the Boston Children's Hospital (BCH) has agreed to pay US\$40,000 and take steps to prevent future security violations following allegations related to a data breach that affected patient information. The complaint against BCH alleged that an unencrypted, BCH-issued laptop was stolen from a BCH physician. Before the laptop was stolen, the physician received an email containing the protected health information of 2,159 patients. Although the physician took steps that he thought were adequate to remove the protected health information from the laptop, the information from the email remained on the laptop and encryption software had not been installed prior to the incident.

[Attorney General's press release](#)

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