

Australia

Information Commissioner Publishes New Guide to Securing Personal Information

The Office of the Australian Information Commissioner's has published its "Guide to Securing Personal Information". The aim of the guide is to provide a resource to help agencies and organisations meet their obligations under the Australian Privacy Principles to take reasonable steps to protect personal information. The Guide provides guidance on the steps entities should take to protect the personal information they hold from misuse, interference, loss, and from unauthorised access, modification or disclosure. It also includes guidance on the steps to be taken when destroying or de-identifying personal information once it is no longer needed.

[Guide to securing personal information](#)

China

State Administration for Industry and Commerce Publishes New Measures for the Punishment of Conduct Infringing the Rights and Interests of Consumers

The State Administration for Industry and Commerce has published Measures for the Punishment of Conduct Infringing the Rights and Interests of Consumers, which will come into force on 15 March 2015. The Measures set out circumstances and activities where enterprise operators may be deemed to have infringed the rights or interests of consumers. The Measures also include a list of prohibited activities by enterprise operators which infringe the personal information of consumers. Article 11 of the Measures defines, for the first time, the term "consumer personal information" and provides a list of specific examples of consumer personal information.

[Measures for the Punishment of Conduct Infringing the Rights and Interests of Consumers \(in Chinese\)](#)

France

French Data Protection Authority Introduces New Referential for Privacy Seals

The French Data Protection Authority (CNIL) has published a "Referential" specifying a set of requirements to be followed by organisations with a data protection officer in order to obtain a data privacy seal for governance procedures. The requirements include the following categories: internal organisation related to data protection; method of verifying that data processing operations comply with data protection law; and assessment of the management of data subjects' complaints and data incidents. The CNIL have stated that the requirements aim to ensure that organisations will be prepared for the obligations that are likely to be introduced by the proposed EU General Data Protection Regulation.

[Referential \(in French\)](#)

Germany

Fine Proceedings Against German Insurance Company Concluded by Mutual Agreement

A major German health insurance company has been fined €1.3 million by the Data Privacy Office of Rheinland-Pfalz for violations of privacy laws and a lack of internal controls. Back in the 1980s and 1990s, the company's sales representatives allegedly bribed public sector employees to obtain address data of employees who were likely to become civil servants, to enable the company to use this data to market insurance contracts to these employees. The fine imposed was accepted by the management board of the insurance company to avoid any court proceedings.

[Data Privacy Office of Rheinland-Pfalz press release \(in German\)](#)

Hong Kong

First Prison Sentence Given for Breach of the Personal Data (Privacy) Ordinance

A former insurance agent is the first person to be imprisoned in Hong Kong for breach of the Personal Data (Privacy) Ordinance (PDPO) in relation to a complaint made to the Office of the Privacy Commissioner (PC) that the insurance agent had misled the complainant and obtained her personal data by unfair means. The insurance agent had allegedly persuaded the complainant to buy a new insurance policy but had not informed the complainant that he had in fact resigned from his job, and that the new policy was issued by a different insurance company. In response to enquiries from the PC, the insurance agent falsely told the PC that he had been assigned to work with the complainant whilst he was still employed by his original insurance company. However, this was denied by insurance company. Under the PDPO, it is a criminal offence for a person to make a statement to the PC, which he knows is false, or to knowingly mislead the PC. The insurance agent was held to have breached the PDPO and was sentenced to four weeks' imprisonment.

[The Office of the Privacy Commissioner for Personal Data press release](#)

United Kingdom

Warning by the ICO After Personal Data Left Exposed by Data Breach

The Information Commissioner (ICO) has warned high street and online shoe retailer after the personal data of over one million customers was left exposed due to a hacking incident. The database was due to be decommissioned and was unencrypted. The ICO held that the breach had highlighted two areas of importance, the unnecessary storage of older personal data and the inadequate security to protect personal data. The company has signed an undertaking to address the issues of data protection.

[Undertaking](#)

High Court Decision – Information Rights Relating to the Granting of Peerages

The High Court has held that the right to information under section 7 of the Data Protection Act 1998 does not apply to information relating to the conferring of a life peerage. It was held that the exception set out in section 37 of the Data Protection Act, 'the conferring by the Crown of any honour or dignity' would apply in respect of the granting of peerages.

[Raminder Ranger v House of Lords Appointments Commission \(2015\)](#)

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

Mark Gleeson

London
T +44 20 7655 1465
E mark.gleeson@squirepb.com

Annette Demmel

Berlin
T +49 30 72616 8226
E annette.demmel@squirepb.com

Melodi M. Gates

Denver
T +1 303 894 6111
E melodi.gates@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.