

## EU

### **Article 29 Working Party Publishes Letter to the EU Commission Clarifying Scope of Health Data Used by Lifestyle and Wellbeing Apps**

The Article 29 Working Party (Working Party) has published a letter to the EU Commission in relation to the Commission's request for the Working Party to clarify the scope of the definition of data concerning health in relation to lifestyle and wellbeing apps. The Working Party provides criteria to determine when data processed by lifestyle and wellbeing apps and devices are health data. The Working Party also considers the current rules and the proposed exception in the Draft Data Protection Regulation for further processing of health data for historical, statistical or scientific research purposes. It requests that the European Commission ensure that in the proposed Regulation, the further processing of health data should only be permitted after having obtained the explicit consent of the data subjects, or if the narrow exceptions defined by the European Parliament apply.

[Article 29 Working Party letter to European Commission](#)

## Germany

### **Hamburg Data Protection Office Examines Facebook's New Privacy Policy**

The Hamburg Data Protection Office, the competent body for the control of Facebook in Germany, announced that it is examining the legality of Facebook's new privacy policy. The Office has questioned whether there is a legal basis for the exchange of member data with third party companies, allowed for in the policy. It has also stated that it is unlikely that the policy complies with the principles of data avoidance and data economy required by German privacy law or that consent obtained from its members can be considered valid.

[Hamburg Data Protection Office press release](#)

### **Support and Criticism of Draft Law Enabling Consumer Associations to Take Legal Action Against Breaches of Privacy**

The German cabinet has recently adopted a draft law introducing a right of consumer associations to take legal action against breaches of privacy. The draft applies to the commercial use of personal consumer data by companies in the fields of advertisement, credit agency or market and opinion research. The Federal Privacy Commissioner, Andrea Voßhoff, welcomed the draft and the obligation within the draft to consult privacy authorities in the course of the proceedings. The draft has, however, attracted some criticism including from the German Federal Association for Information Technology, Telecommunications and New Media (BITKOM), who have stated that the draft law may contribute to the risk of growing legal insecurity and also contravenes the current harmonization of EU data protection law.

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

### **Privacy Commissioner: It is Inadmissible to Collect Employee Data with the Purpose of Avoiding Liability for Non-Payment of Minimum Wage**

Commenting on a new law, under which employers are strictly liable for the obligation of their sub-contractors to pay the minimum wage, the Privacy Commissioner of Schleswig-Holstein has stated that it is neither appropriate nor admissible for an employer to collect employee data through his sub-contractor in order to ensure this obligation is met. The privacy authority of Schleswig-Holstein is considered one of the strictest in Germany.

[Privacy Commissioner of Schleswig-Holstein press release](#)

## United Kingdom

### **Information Commissioner Renews Call for a Change in the Law Governing Nuisance Calls and Texts**

The Information Commissioner, who is responsible for regulating nuisance marketing calls and spam text messages, has renewed his call for a change in the law surrounding nuisance calls and texts. He stated that the law currently makes it difficult to issue fines to those who break the rules. The Information Commissioner has been calling for a change to the rules for the law since 2013 and stated that the Government is letting people down by failing to address the issue adequately.

[ICO press release](#)

### **New Booklet Published: "Accessing and Sharing Information: Acting on Behalf of a Person with Dementia"**

The Alzheimer's Society has published a new booklet: 'Accessing and sharing information: Acting on behalf of a person with dementia'. The booklet aims to give practical advice on handling someone's personal information to help them manage their affairs, or when managing their affairs for them. The booklet has been welcomed by commentators, who hope that it will assist with the current difficulties when dealing with service providers on behalf of someone who is unable to manage their own affairs.

[Alzheimer's Society press release](#)

## United States

### US President Issues Executive Order to Promote Private Sector Cybersecurity Information Sharing

Building on his 2013 Cybersecurity Executive Order and amid growing support for the Administration's Cybersecurity Framework – developed by the National Institute of Standards & Technology (NIST) – US President Barack Obama issued a further Executive Order to promote private sector cybersecurity information sharing. Both public and private sector cybersecurity experts have long touted enhanced, real-time information sharing as critical in rapidly recognizing and preventing cybersecurity attacks. However, proposed information sharing legislation has stalled, while reports of high profile data breaches and attacks only continue. Friday's Executive Order calls on the Secretary of the Department of Homeland Security (DHS) to "strongly encourage development and formation of Information Sharing and Analysis Organizations (ISAOs)." In collaboration with other federal entities, the DHS Secretary is also called on to identify and enter into an agreement with a nongovernmental organization that will develop and maintain a set of voluntary standards and guidelines under which ISAOs may function. Such standards would address issues such as member agreements, processes and procedures, technical issues and privacy protections.

[White House press release](#)

### White House Announces New Cyber-Threat Agency

The White House has announced the creation of a new federal agency designed to combat cyber threats and to coordinate digital intelligence. The Cyber Threat Intelligence Integration Center will be responsible for producing coordinated cyber threat assessments, ensuring that information is shared rapidly among existing Cyber Centers and other elements within the government, and supporting the work of operators and policy makers with timely intelligence about the latest cyber threats and threat actors. The main aim of the new agency will be to integrate intelligence about cyber threats to improve collective response to threats.

[White House press release](#)

### Report Published Examining the Privacy and Security Implications of New Communications Technologies in Cars

On February 9, 2015, Senator Ed Markey released a report prepared by his staff examining the privacy and security implications of new communications technologies in cars and other vehicles: "Tracking & Hacking: Security & Privacy Gaps Put American Drivers at Risk." The report found that while these new technologies – known generally as "Connected Cars" – have the potential improve vehicle safety and performance, there is a "clear lack of appropriate security measures to protect drivers from hackers," as well as a lack of transparency regarding the collection and use of driver and vehicle data. The Senator called for the US federal government to issue new standards to protect the data, security and privacy of drivers and vehicles.

[Report – Tracking & Hacking: Security & Privacy Gaps Put American Drivers at Risk](#)

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