

GERMANY

Privacy Commissioner Criticizes Draft Law on E-Health

The Privacy Commissioner of Schleswig-Holstein recently criticized the draft law on e-health, published by the Federal Ministry of Health, for insufficient protection of medical data. Although some aspects of the draft law were welcomed, such as the launch of telematics infrastructure and the electronic health card, the Privacy Commissioner held that the draft did not go far enough to protect individuals' medical data and prevent the growing trend towards the "transparent patient".

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

Higher Labour Court: Employers' Facebook Page is Not Subject to Co-Determination by the Works Council

The Higher Labour Court of Düsseldorf has ruled that the works council has no right to co-determine the setup of an employer's Facebook page. In this case, the employer, running a center for blood donations, claimed that the Facebook page was set up and used only for marketing reasons. The works council, however, claimed that the page allowed for the surveillance of employees and demanded its deactivation. It argued that the employer, owing to page visitors filing complaints, could discover the identity of the criticized employees. The Court held that, as the Facebook page could not generate information on employees automatically (i.e., surveillance was only possible if page visitors filed complaints), the works council has no right to co-determine the page.

[Labour Court press release](#)

UNITED KINGDOM

Information Commissioner Given Powers to Audit NHS Authorities

On 1 February, the Information Commissioner was given powers to force NHS authorities to be audited for compliance with the Data Protection Act. The Information Commissioner will be able to subject NHS foundation trusts, GP surgeries, NHS Trusts and Community Healthcare Councils, and their equivalent bodies in Scotland, Wales and Northern Ireland to a compulsory audit. The audit will be able to review areas including security of data, records management, staff training and data sharing. These compulsory audits have previously only applied to central government departments. The new legislation will not apply to any private companies providing services within public healthcare.

[Information Commissioner's press release](#)

UNITED STATES

Proposed Federal Funding to Improve Cybersecurity Efforts

In his Fiscal Year 2016 budget, President Obama is proposing some US\$14 billion in federal funding for cybersecurity efforts, which is an increase of about US\$1 billion over the previous fiscal year's spending. The funds are to be made available across several federal agencies to not only combat cyber threats, but also to improve information-sharing efforts between the federal government and industry. The FY2016 budget proposal follows President Obama's State of the Union address before Congress in late January in which he called for federal cybersecurity legislation to improve cyber threat information sharing as well as create a federal data security and breach notification standard.

[White House press release](#)

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

Mark D. Johnson (Washington DC)

T: +1 202 626 6265

E: mark.johnson@squirepb.com