

Germany

Controversy on Implementation of the Cookie Directive Revived

German Data Protection Officers have held that Germany has still not implemented the EU Directive 2009/136/EC in relation to cookies. The German Tele Media Act does not, according to the Officers, meet the consent requirement of the cookie directive. However, the Federal Government has disagreed with this assessment and holds that amending the Tele Media Act is not necessary. It therefore remains uncertain as to what type of consent for cookies is required (implicit or express) or whether consent through prior browser settings is sufficient.

[Data Protection Authority Press Release](#)

District Court: Dashcam Recordings Non-Admissible as Evidence in Civil Procedure

The District Court of Heilbronn has ruled that recordings from dashboard cameras (dashcams) are non-admissible as evidence in civil procedure due to violation of privacy rights. According to the Court, the interest of preserving evidence does not outweigh privacy rights and informational self-determination. The Court suggested that if dashcams become admissible evidence, there would be nothing to prevent citizens fixing cameras to, for example, their clothes in order to secure potential claims for damages, which in the end would amount to the renouncement of the right to privacy. The Administrative Court of Ansbach has also previously ruled that dashcams were non-compatible with German data protection law.

[Data Protection Authority Press Release](#)

United Kingdom

Parliamentary Committee Publishes Its Report, "Privacy and Security: A Modern and Transparent Legal Framework" Following an Inquiry into the UK's Intelligence and Security Agencies

The Intelligence and Security Committee of Parliament (ISC), has issued its findings in relation to its inquiry into the UK's intelligence and security agencies' intrusive capabilities. The inquiry was launched after the revelations from former CIA contractor Edward Snowden on the surveillance tactics of GCHQ and the US National Security Agency. The inquiry looked at how security agencies are used, the scale of that use, the degree to which they intrude on privacy and the extent to which existing legislation adequately defines and constrains these capabilities. The Committee concluded that although it is satisfied that the UK's intelligence and security agencies do not seek to circumvent the law, it has serious concerns about the lack of transparency, which is not in the public interest. The Committee's key recommendation is that the current legal framework be replaced by a new Act of Parliament governing the intelligence and security agencies.

This framework should clearly set out the intrusive powers available to the agencies, the purposes for which they may use them and the authorisation required before they may do so.

[Report - "Privacy and Security: A modern and transparent legal framework"](#)

House of Lords EU Committee Publishes Report on the Use of Drones in the EU

The House of Lords EU Committee has published a report on the civilian use of drones in the EU. The report evaluates the plans set out by the EU Commission in April 2014 to make the EU a global leader in the remotely piloted aircraft systems (RPAS) industry. The report recognises that RPAS raise particular concerns in respect of data protection and privacy and states that EU data protection legislation must remain technology neutral if it is to be flexible enough to apply to the unique characteristics of RPAS. The report further suggests that each Member State's data protection agency should create and share guidance for RPAS pilots on this issue and that an online database should be created through which commercial RPAS pilots could inform members of the public of their data protection policies.

[EU Committee Report – The Civilian Use of Drones in the EU](#)

MPs Call for UK Strategy to Deliver Benefits of Technological Changes in Transport Sector

The Transport Committee has published a report, "Motoring of the Future" which evaluates the Government's support for the development of new automotive technologies and the action the Department for Transport (DfT) is taking to set standards, shape markets and influence consumer choices. The report looks at the increased use of telematics and big data and called for the DfT to see what use it might make of anonymised data from vehicles and how this can inform policy. The report also recognizes that the increase in the volume and variety of transport data presents new challenges in relation to data governance. The report suggests that although the vast quantity of transport data now available presents opportunities to provide smarter, more efficient and more personalised transport systems, greater clarity is required on the practical application of data governance legislation. The Committee recommend that the DfT ask the Information Commissioner to review the current rules and guidance on access to fleet and driver information and the rights of drivers and other interested parties to access vehicle data and to publish updated guidelines on the collection, access and use of vehicle data.

[Report – Motoring of the Future](#)

New Report Warns Government Over Failure to Provide Guidelines on Use of Biometric Data

In its recently published report, "Current and future uses of biometric data and technologies", the House of Commons Science and Technology Committee has expressed concerns over how biometric data is collected, stored and used. In particular, the Committee has stated that there is a lack of Government oversight and regulation of aspects of this field which needs to be addressed. The Committee expresses particular concern over police practices of uploading photographs taken in custody to the Police National Database, including images of people not subsequently charged with, or convicted of, a crime, and applying facial recognition software, as well as the increasing use by banks of biometric information in order to identify clients. The report calls on the Government to develop a strategy that exploits emerging biometrics while also addressing public concerns about the security of personal data and the potential for its use and misuse, with particular reference to biometric data held by the state.

[Report - Current and future uses of biometric data and technologies](#)

ICO Raids Call Centre in Relation to Nuisance Calls

The ICO has raided a call centre which it believes to be responsible for making millions of nuisance calls using automatic dialling technology. The ICO has claimed that the calls are made anonymously, are sent without consent and it is impossible to opt out of receiving them. The ICO has removed documents and computer equipment from the call centre and will consider what further action to take in order to compel the organisation to comply with the rules regarding recorded telephone calls. This may include issuing a civil monetary penalty and or an enforcement notice.

[ICO Press Release](#)

US

Federal Trade Commission Signs Privacy Memorandum of Understanding with Dutch Agency

The US consumer privacy agency, the Federal Trade Commission (FTC), has signed a memorandum of understanding (MOU) with the Dutch Data Protection Authority to enhance information sharing and enforcement cooperation on privacy-related matters. The FTC stated that it increasingly seeks to secure the assistance of international privacy and data protection authorities in its efforts to protect consumer privacy. The MOU aims to address this and recognizes the need for increased cross-border enforcement cooperation. The MOU sets out the two agencies' intent regarding mutual assistance and the exchange of information for investigating and enforcing against privacy violations.

[FTC Press Release](#)

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