

United Kingdom

ICO Welcomes Change in Law Around Nuisance Calls and Texts

The ICO has welcomed the change in law introduced by the Privacy and Electronic Communication (Amendment) Regulations 2015. Under the new Regulations, the ICO no longer needs to prove that a company 'caused substantial damage or substantial distress' by making nuisance calls or sending spam text messages in order to issue fines. The ICO now only has to prove that a company committed a serious breach.

[ICO Press Release](#)

ICO Rules UCAS in Breach of Electronic Marketing Rules

An ICO investigation found that the Universities and Colleges Admission Service (UCAS) application form required applicants to opt out of receiving marketing from commercial companies. The wording of the opt out also meant that un-ticking these boxes would result in the applicant not receiving information about career opportunities and education providers or health information. The ICO ruled that applicants felt obliged to let UCAS use their information for commercial purposes as otherwise they may potentially miss out on important information about their career or education. As a result of the ICO investigation, UCAS is required to amend its application form.

[ICO Press Release](#)

Personal Injury Claims Company Fined £80,000 by ICO

The ICO has issued an £80,000 fine to a personal injury claims company after 801 concerns were raised to the ICO and Telephone Preference Service between January 2013 and July 2014. Since serving the final notice on the company, and at the request of HMRC, the company has gone into liquidation. The ICO has stated it will attempt to continue to enforce the fine imposed.

[ICO Press Release](#)

US

FTC Reaches Settlement with Companies Claiming Compliance with US-EU Safe Harbor Framework

The Federal Trade Commission (FTC) has reached a settlement with two companies who failed to comply with the US-EU Safe Harbor Framework. The FTC alleged that the companies deceived consumers by claiming they were certified under the Framework and that they complied with the Framework standards. The companies' complaint resolution process allegedly also violated the Framework principles. The companies have agreed not to misrepresent their compliance or participation in any data security or privacy programmes. The FTC has stated that they remain committed to enforcing the Framework.

[FTC Press Release](#)

Federal Communications Commission Settlement with Company in Breach of Data Privacy

On April 8, 2015, the Federal Communications Commission (FCC) announced a settlement with AT&T imposing a US\$25 million fine for three data breaches associated with its call centres in Mexico, the Philippines, and Colombia. According to the FCC's Order, personal information of 28,000 of AT&T's customers were improperly accessed and disclosed by employees to third parties. Customers' names, full or partial Social Security Numbers and other personal information associated with the customers' accounts were accessed over 168 days. In addition to the US\$25 million fine, AT&T will implement a compliance plan and reports to improve the data protection and security at these data centres.

[FCC Press Release](#)

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

Mark Gleeson

London
T +44 207 655 1465
E mark.gleeson@squirepb.com

Mark D Johnson

Washington DC
T +1 202 626 6265
E mark.johnson@squirepb.com