

Germany:

Entrepreneur Must Remove Surveillance Camera Capturing Neighboring House

The District Court of Detmold has recently ruled that an entrepreneur must remove surveillance cameras which capture a neighboring house. As a result of the camera's presence, the claimant had been experiencing anxiety and insomnia. The Court reasoned that the personal rights of the claimant outweighed the defendant's interests in securing the property.

<http://www.lg-detmold.nrw.de/behoerde/presse/Pressemitteilung-Videoueberwachungsanlage.pdf>

Federal Ministry of the Interior Publishes New Model Contracts Containing "No Spy" Clause

In light of Germany's "No Spy" Policy, the German Government has recently published new precedent contracts regarding public award procedures in relation to standard software. The model contracts stipulate stricter requirements on security and confidentiality through their "no spy" provisions. The model contracts were developed in cooperation with BITKOM.

http://www.cio.bund.de/Web/DE/IT-Beschaffung/EVB-IT-und-BVB/Aktuelle_EVB-IT/aktuelle_evb_it_node.html

<https://www.bitkom.org/Presse/Presseinformation/Neue-Bedingungen-f%C3%BCr-%C3%B6ffentlichen-Einkauf-von-Software.html>

Hong Kong:

Hong Kong's Privacy Commissioner Updates Guidelines in Relation to the Collection and Use of Biometric Data

Hong Kong's Office of the Privacy Commissioner for Personal Data has updated its guidelines regarding the collection and use of biometric data to address a "broader scope of biometric data". The new guidance was issued to address and promote the strict standards the Commissioner expects when handling sensitive data.

https://www.pcpd.org.hk/english/resources_centre/publications/files/GN_biometric_e.pdf

UK:

Data Protection Exemptions for Crime and Taxation

The ICO has issued updated guidance on the use of the crime and taxation exemption under the Data Protection Act 1998. The guidance has been issued in an attempt to remove uncertainty in relation to the disclosure of information to prevent or detect crime. The guidance is aimed at organizations that often process data for crime and taxation purposes, such as the police and HMRC. The guidance explains how to apply the exemptions in relation to data protection and includes real-world examples to illustrate various scenarios.

<https://ico.org.uk/media/for-organisations/documents/1594/section-29.pdf>

Consumer Fairness to be Considered in the Financial Conduct Authority's Review of Big Data's Role in Insurance

In the FCA's business plan for 2015/16, the authority announced its intention to initiate a market study to investigate how big data is used by insurance firms. Although very few details have been released, it is expected that the focus of the market study will be centered on the FCA's conduct risk rules and the wider application of the data protection principles.

<http://www.fca.org.uk/static/channel-page/business-plan/business-plan-2015-16.html>

Google Granted Permission to Appeal in Vidal-Hall

The Supreme Court has granted permission to Google to appeal a decision made by the Court of Appeal in relation to a dispute over user information received by Google whilst using the Apple Safari browser. The two granted grounds of appeal relate to the incompatibility of section 13(2) of the UK Data Protection Act with Article 23 of Directive 95/46/EC and also whether it was correct to disapply s 13(2) on the grounds that it conflicts with Articles 7 and 8 of the EU Charter of Fundamental Rights. Section 13 of the Data Protection Act remains disapplied until the outcome of the appeal.

<http://www.bailii.org/ew/cases/EWCA/Civ/2015/311.html>

<https://www.supremecourt.uk/news/permission-to-appeal-decisions-28-july-2015.html>

High Court Rules That a 35 Year Period is a Lawful Amount of Time to Retain Child Protection Records

Northumberland County Council's policy of retaining child protection records for 35 years following case closure has been declared as justified and lawful by the High Court. The claimant and the ICO had submitted that an appropriate retention period should be six years from the child's eighteenth birthday, as this would be sufficient for any potential negligence claim.

The judge disagreed with the claimant and ICO and highlighted that if a six- year destroy date was followed, many inquiries would have insufficient information.

<http://www.bailii.org/ew/cases/EWHC/Admin/2015/2134.html>

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