

## EU

### **Commission Clarifies Position on National Data Retention Laws**

In a press statement, the European Commission has addressed press reports suggesting that it was threatening to take Germany to court over its proposed national data retention law. The Commission has reiterated that the question on whether to introduce national data retention laws is a national decision, provided that any provisions comply with the basic principles under EU law, for example, in respect of privacy. The Commission therefore neither opposes nor supports the introduction of national laws on data retention by member states. The Commission also confirmed that it is not contemplating court action against Germany on this issue.

[European Commission statement on national data retention laws](#)

## Germany

### **Media Organisations Criticise Data Retention**

In a press release, the German Association of Journalists (Deutscher Journalisten-Verband, DJV) announced that a 22-page appeal not to vote for the reintroduction of data retention had been submitted to the deputies of the Bundestag by the DJV and other major German media organisations. According to them, the government draft on data retention violates the freedom of the press and broadcasting because it allows for retracing the contacts between editorial departments and informants. The legal committee of the Bundestag will presumably meet on 22 September in order to deliberate on the draft. Currently, it is not planned to give a hearing to media representatives.

[German Association of Journalists press release \(in German\)](#)

### **Higher Regional Court: Right to Be Forgotten Also Applies to Online Archives**

The Higher Regional Court of Hamburg has ruled that the right to be forgotten also applies to online archives. Thus operators of online archives might be obliged to make sure that archive entries cannot be found via search engines. This also applies to cases in which the archive entry interfering with privacy rights originally was lawful because of a prevailing public interest. In the current case, the public interest expired over time, which made the privacy rights prevail.

[Higher Regional Court of Hamburg ruling](#)

## UK

### **Responsibility for Information Commissioner's Office (ICO) Moves**

The Prime Minister has confirmed in a written ministerial statement that the policy responsibility for data protection and the sponsorship of the ICO will transfer to the Department for Culture, Media and Sport. The responsibility was previously held by the Ministry of Justice. This change took effect on 17 September 2015. Christopher Graham, Information Commissioner commented that it made sense for the ICO to be connected to debates around the digital economy for which the Department for Culture Media and Sport has responsibility.

[Written Ministerial Statement](#)

The ICO has itself announced that it is monitoring the Ministry of Justice over the timeliness of their responses to freedom of information requests. This monitoring is in response to delays in responding to requests beyond the 20 working days permitted in a significant number of cases. The ICO has also confirmed that it has removed a number of councils from its formal monitoring programme, although the Metropolitan Police Service continues to be subject to monitoring.

[ICO news on Ministry of Justice monitoring](#)

### **UK Charities Investigated by ICO**

Following reports in the Media, the ICO has launched an investigation regarding data sharing in the charities sector.

[ICO blog posting on investigating charity data sharing](#)

### **International Project Examining Children's Data Privacy Raises Concerns**

The ICO has announced that a project by the Global Privacy Enforcement Network examining websites and apps used by children has raised concerns over children's data privacy. Accordingly, 41% of the 1,494 websites and apps examined turned out to be problematic, especially around how much personal data was collected and how it was transferred to third parties. The examination however found examples of good practice, too, with some websites and apps providing parental dashboards, special chat functions (words and phrases from pre-approved lists) or just-in-time warnings.

[ICO news on data protection issues in children's websites and apps](#)

## Contacts

**Mark Gleeson**

Partner, London

T +44 207 655 1465

E [mark.gleeson@squirepb.com](mailto:mark.gleeson@squirepb.com)

**Annette Demmel**

Partner, Berlin

+49 30 7261 68 108

[annette.demmel@squirepb.com](mailto:annette.demmel@squirepb.com)

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