

EU

The European Data Coalition Expresses Its Support for Proposals Outlined by the EU's Council of Ministers

The European Data Coalition has released an open letter which supports the proposals outlined by the EU's Council of Ministers and encourages other interested parties to also offer their support. Under the Council's current proposal, businesses will be able to transfer data outside of the EU as long as the transfer is "not large scale or frequent" and "is necessary for the purposes of legitimate interests." This "legitimate interest" exception has been historically criticised for lowering the level of data protection within the EU.

[The European Data Coalition's open letter](#) (PDF)

UK

ICO Concerned About Data Breach Notification Overload

In a recent paper, the ICO has welcomed proposals outlined by national governments within the EU to restrict the cases where organisations would be required to notify data protection authorities and consumers of data breaches under the proposed Data Protection Regulation.

Under the current proposal, organisations would be required to notify data protection authorities of personal data breaches which are "likely to result in a high risk for the rights and freedoms of individuals."

The ICO has expressed their concern that the current proposals will encourage a number of "trivial or inconsequential data breaches" to be notified to the ICO.

[ICO paper](#) (PDF)

Businesses Are Only Required to Consider the "Immediate Context" of Data to Determine Whether It is Personal or Sensitive Personal Data

The UK Upper Rights Tribunal has ruled that organisations do not need to search the Internet in order to determine whether the data is personal or sensitive. The Tribunal suggested that organisations only need to consider "the immediate context" of the data in order to determine its status.

This ruling reflects the approach broadly supported by the Article 29 Working Party, which has in the past warned of the "residual risks to data subjects" from anonymised datasets in light of the potential presentation of new data.

[The UK Upper Rights Tribunal's ruling](#) (PDF)

ICO Data Protection Seal Scheme in Development

The ICO has provided an update on the introduction of a new privacy seal for companies with the highest data protection standards. The ICO intends for the scheme to commence before EU regulations come into effect to introduce new data protection certification mechanisms. Companies accredited by the UK Accreditation Service (UKAS) will be allowed to display the seal on their products enabling consumers to be able to identify the organisations that are meeting the highest data protection standards.

The ICO has launched an invitation to tender for a marketing strategy and the creation of the logo to represent the privacy seal.

[ICO blog](#)

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