

EU

Article 29 Working Party Issues Guidance on Post-Safe Harbor Transfers

The Article 29 Working Party has issued guidance on the use of Model Clauses and Binding Corporate Rules following the decision of the Court of Justice of the European Union (CJEU) that the Safe Harbor regime is invalid.

For more on this development, please see our [blog post](#).

Germany

Schleswig-Holstein Data Protection Officer Criticises New Data Retention Law

The Schleswig-Holstein data protection officer has criticised the new data retention law adopted by the German Bundestag. The officer has argued that the new law does not respect the strict standards set by the CJEU and the German Federal Constitutional Court so constitutes an interference with citizens' fundamental rights. The data protection officer has also stated that the argument that retention is necessary for prosecution purposes is not a valid justification.

[Press release](#) (in German)

First Rheinland-Pfalz Data Protection Conference

On 15 October, the government and the data protection officer of Rheinland-Pfalz organised its first conference on data protection bringing together representatives from politics, the economy and civil society to discuss the challenges of digitalisation and the General Data Protection Regulation. Clemens Hoch, state secretary stated that new sensitivity for data handling is needed. The Rheinland-Pfalz data protection officer considered that the consequences of data scandals in the recent past have been taken on board, but that further efforts are still needed. Auditing and certifications could be important tools in this respect. Referring to the General Data Protection Regulation, it was remarked that data protection will become more European, more consistent and more powerful.

[Press release](#) (in German)

90th Conference of German Privacy Commissioners Presents Resolutions

The bi-annual conference of German privacy commissioners has presented its resolutions on current privacy topics. The conference criticised the reform of the German intelligence authorities which allows for wider data transfer between state agencies, calling this unconstitutional. The Conference also discussed cloud operating systems. The Conference commented that users are forced to take steps to protect their own data and called for providers to offer software with privacy-friendly settings. The Conference announced that its goal is to protect German data privacy standards at the EU level.

[Press release](#) (in German)

Israel

Israel Withdraws from the Safe Harbor Arrangement

The Israeli Law, Information and Technology Authority (ILITA) has followed the CJEU decision in Schrems by removing reliance on the Safe Harbor exemption for transfers of personal data from Israel to the US. ILITA suggests that organisations wanting to transfer personal data from Israel to the US will need to rely on one of the other derogations contained in Israeli privacy law.

[News release](#) (PDF) (in Hebrew)

UK

ICO Imposes First Money Penalty for Breach of the First Data Protection Principle

The Information Commissioner's Office (ICO) has issued Pharmacy2U Ltd with a monetary penalty for breach of the first data protection principle (the requirement to process data fairly and lawfully). The penalty was imposed as a result of Pharmacy2U's selling of personal data held to third party organisations, without obtaining the informed consent of customers to do so. The contravention necessitated a monetary penalty as the data included information about customers' health conditions, would have included customers with chronic health conditions and was therefore likely to cause distress to those customers who had a reasonable expectation of confidentiality. It was also likely that some customers would have suffered financially as a result of the sale of data to one of the third parties. The ICO therefore imposed a penalty of £130,000.

[ICO monetary penalty notice](#)

ICO Gives Evidence in Relation to Charitable Fundraising

The Information Commissioner has given evidence to the Public Administration and Constitutional Affairs Committee regarding the sale of personal data then used for charitable fundraising purposes. The Information Commissioner stated that he thought the proposed Fundraising Preference Service could lead to greater confusion, noting that enforcement would also be difficult. The Commissioner stressed that the rules on privacy and data applied equally to the charity sector.

[ICO Evidence](#)

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