

EU

European Commission Issues Q&A Guidance on Transatlantic Data Transfers Following the Schrems Ruling

The European Commission has issued guidance on transatlantic data transfers in light of the *Schrems* ruling which declared invalid the Safe Harbor arrangement. The Commission outlines the mechanisms which can be used to continue transatlantic data flows between companies, including standard clauses (which specify data protection obligations and are pre-approved by the Commission) and binding corporate rules (for transfers within a multinational corporate group, which are pre-approved by the national Data Protection Authorities). The guidance also includes an update on the status of negotiations towards replacing Safe Harbor with a new arrangement.

[European Commission communication](#)

Germany

BSA Issues White Paper on Big Data

The BSA (The Software Alliance), a global organisation of the software industry, has issued the report "What's the Big Deal With Data?", discussing the transformative potential of Big Data in fields such as transport, energy, health, agriculture and education. The report asks how to best use data in order to come to innovative solutions and how to avoid breaching privacy rights. The report particularly identifies weather forecasting, smart urban planning, energy-saving buildings and GPS systems for traffic data as chances for innovation stemming from data analysis.

[BSA report](#)

Documentary on European Data Protection in German Cinemas

According to an announcement of the Baden-Württemberg data protection office, the documentary "Democracy – Im rausch der daten" will have its theatrical release in German cinemas in November 2015. The movie by the Swiss director David Bernet deals with the legislative process of the EU *General Data Protection Regulation*. Bernet depicts a struggle between citizens' rights and economic interests through the perspectives of the Green Party member of the European Parliament Jan-Phillip Albrecht and EU Justice Commissioner Viviane Reding.

[Baden-Württemberg announcement](#) (PDF) (in German)

German Data Protection Officers Call for Sound Data Protection Directive in the Area of Justice and Home Affairs

The Nordrhein-Westfalen data protection officer, Dieter Kugelmann, announced that the Conference of German data protection officers appealed to the European Union for a sound data protection directive in the area of justice and home affairs. The background to this is that the European Union plans to adopt such a directive together with the general data protection regulation.

[Nordrhein-Westfalen announcement](#) (in German)

Spain

Spanish Data Protection Authority Clarifies Requirements for Cross-border Transfer to Safe Harbor US entities

On Tuesday 3 November, the Spanish data protection authority, Agencia Española de Protección de Datos (AEPD) sent a letter to all companies operating in Spain that had previously notified it of cross-border data transfers to Safe Harbor certified companies. All companies in receipt of the letter are required to inform the AEPD by 29 January 2016 of any mechanisms they have implemented to ensure the adequate protection of personal data in such transfers.

UK

Information Commissioner's Office Fines Company £120,000 for Making Automated, Unsolicited Marketing Calls

The Information Commissioner's Office (ICO) has fined lead-generation company Oxygen Ltd £120,000 for making unsolicited automated marketing calls. The calls played a recorded message purporting to be a "government awareness call" and offering to write off debt.

[ICO press release](#)

Financial Conduct Authority Consults on Outsourcing to the Cloud

The Financial Conduct Authority (FCA) has produced draft guidance with the aim of clarifying the requirements on firms when outsourcing to third party IT services and the Cloud. The guidance is intended to assist firms with the full life-cycle of outsourcing, including selecting providers, monitoring the services received, and eventual exit.

[FCA guidance](#)

US

Ninth Circuit Holds That the EEOC Has Broad Access to Personal Information Including Social Security Numbers

In the case of *EEOC v McLane Co. Inc.*, the Ninth Circuit held that the EEOC has broad subpoena powers to obtain nationwide private personnel information in relation to its investigation into a sex discrimination claim. These powers include access to social security numbers.

[Ninth Circuit Decision](#) (PDF)

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