

## EU

### Commissioner Remarks on Safe Harbor

Justice, Consumers and Gender Equality Commissioner Věra Jourová has given a speech to the Committee on Civil Liberties, Justice and Home Affairs regarding the Court of Justice of the European Union's (CJEU) decision on Safe Harbor. In the speech, the Commissioner confirmed that the Commission's immediate priorities are 1) reassuring citizens that their personal data will be protected when transferred outside of the EU, 2) ensuring clarity for businesses on the legitimate mechanisms for EU-US data transfers and 3) working with national data protection authorities to ensure a co-ordinated approach across the EU. Ms Jourová confirmed that the Commission will soon be issuing an explanatory communication on the consequences of the Schrems decision and setting guidance for international data transfers. The Commissioner also confirmed that discussions with the US are ongoing and called on the Members of the Committee to engage with their US counterparts on this issue.

[Transcript of the Justice, Consumers and Gender Equality Commissioner's Speech](#)

## Germany

### Data Protection Commissioner Issues Paper on EU-US Data Transfer Mechanisms

The German Data Protection Commissioner has issued an update on her view regarding the CJEU's decision on Safe Harbor and its consequences. The paper states that transfers on the basis of model clauses or binding corporate rules are also in question. German Data Protection Authorities will exercise their powers of audit over data transfers based on model clauses and will not currently grant any new authorisations for data transfers to the US based on binding corporate rules or ad hoc data export agreements. The Commissioner has noted that transfers may be based on consent but not if repeated in large numbers or routinely, and consent to transfer employee data will only be a valid basis for data transfers in exceptional cases. The German Data Protection Commissioner also reiterated that transfers based solely on the Safe Harbor regime are prohibited.

[Position paper](#) (in German)

### "Düsseldorfer Kreis" Releases Guidelines for Surveillance in Public Transport

The "Düsseldorfer Kreis", part of the Conference of German Data Protection Officers, has released new guidelines for video surveillance on public transport, to balance between the legitimate interests of public transports companies and the self-determination of passengers. According to the guidelines, video surveillance is not permitted if it aims only to add to passengers' feeling of security or to defend against liability claims. Video surveillance could only be justified when it is for the protection of substantial legal interests. General, unlimited surveillance is therefore not permitted.

[Press release](#) (in German)

## UK

### Information Commissioner's Office Issues Fine for Unsolicited Text Messages

The Information Commissioner's Office (ICO) has fined Help Direct UK Ltd £200,000 for sending unsolicited marketing text messages, using unregistered SIM cards, offering reclaims of PPI payments, bank refunds and loans. The company had already received an enforcement notice from ICO to cease sending unsolicited messages.

[ICO Monetary Penalty Notice](#) (PDF)

### ICO Agreement on Cross-Border Privacy Enforcement

ICO has signed up to an agreement to be part of the Global Privacy Enforcement Network (GPEN). The GPEN is designed as a secure and confidential information sharing tool. GPEN Alerts may be used to notify other member data protection authorities of the privacy investigations and enforcement procedures being taken, specifically where there are cross-border aspects. The aim of this is to enable co-ordination or co-operation between authorities.

[ICO press release](#)

## ICO Update on Safe Harbor

In a blog posting, ICO Deputy Commissioner David Smith has suggested that the Safe Harbor regime may not yet have been completely destroyed. The ICO recommends that users of the Safe Harbor justification should not panic, nor should they rush to use other mechanisms that are not ideal for their business. The post also recommends that businesses check what data they transfer outside of the EU and the adequacy of the arrangements in place in respect to those transfers. The ICO stated that businesses in the UK do not have to rely on European Commission decisions on adequacy and can instead rely on their own assessments.

The ICO also reiterated that the ability of data protection authorities to review complaints from individuals is not confined to those transfers authorised under Safe Harbor but confirms that its approach to complaints will not change immediately. The ICO notes that the Commission Decisions on the adequacy of regimes in different countries, and on model clauses can still be relied on for data transfers, although the future of these mechanisms in the longer term is not certain. The ICO will update its guidance on international transfers in due course.

[ICO blog post](#)

## US

### Cybersecurity Information Sharing Act Passed by Senate

The Senate has passed the *Cybersecurity Information Sharing Act 2015* (CISA). CISA aims to encourage the sharing of Internet traffic information between providers and government to improve cybersecurity. In exchange, companies will have legal immunity from Freedom of Information Act requests and regulatory action (such as under competition legislation). CISA follows the *National Cybersecurity Protection Advancement Act* and the *Protecting Cyber Networks Act* both passed by the House of Representatives. CISA will be conferenced with these Acts and then voted on again.

[CISA status summary](#)

## Contacts

### Mark Gleeson

Partner, London

T +44 207 655 1465

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

### Annette Demmel

Partner, Berlin

T +49 30 7261 68108

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

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