

## EU

### Cybersecurity Agreement Reached

The Committee of Permanent Representatives has reached agreement with the European Parliament on the Network and Information Security Directive (NIS Directive) which aims to strengthen network and information systems across the EU. The NIS Directive will impose a number of security obligations on operators of essential services and on digital service providers. The next stage will be for the text of the NIS Directive to be formally approved by the European Council and Parliament (expected in the Spring) after which Member States will have just over two years to transcribe the provisions into national law and identify the essential services that will be subject to the new rules.

[Press release](#)

## Germany

### Law on Data Retention Comes Into Force

By publication in the Federal Law Gazette (*Bundesgesetzblatt*), the new German law on data retention has entered into force. The law provides that telecommunication providers must retain data such as phone numbers, the time and place of communication (except for emails), and the IP addresses for either four or 10 weeks. Business associations had criticised the law, saying that companies would be burdened by the requirements. Data protection authorities also suggested that the law did not meet the standards set by the European Court of Justice and the German Federal Constitutional Court and that it interfered with citizens' fundamental rights.

[Gazette publication](#) (in German)

### Bundestag Passes Law on Right of Standing for Consumer Associations in Privacy Issues

The German Bundestag has passed a law providing consumer associations with the right to bring actions for violations of privacy. The right applies where there is commercial use of personal data for the purpose of advertising, credit checks or market research. The law had been criticised by business associations for increased bureaucracy and uncertainty. Consumer associations, on the other hand, have suggested that the law is too narrow.

[Press release](#) (in German)

### Automated Confirmation Emails Containing Advertising Held Unlawful

The Sixth Civil Chamber of the German Federal Court of Justice (Bundesgerichtshof – BGH) has ruled that automated “no-reply” confirmation emails which include advertising and which have not been agreed to by the consumer breach consumers' privacy rights. In making this ruling, the BGH overturned the appeal judgment and restored the first instance decision. The plaintiff had received several automated email confirmations, against his express wishes which contained advertising messages.

[Press release](#) (in German)

## Ireland

### Guidance Issued on Camera Technology

The Data Protection Commissioner has released two guidance notes relating to body worn cameras and drones respectively, including recommendations on steps that users can take to ensure that they stay within data protection law. The advice includes ensuring that devices are only equipped as is necessary to achieve their intended purpose, maintaining controls to ensure only authorised persons can access the images and deleting data collected once the task is completed. In respect of drones, the Commissioner notes that drones used in a domestic setting may fall outside the household exemption and therefore fall within the data protection acts. As such, drone users should take steps to ensure that the personal data of third parties is not inadvertently collected, when using drones in both a domestic and commercial setting.

[Guidance on drones](#)

[Guidance on body worn cameras](#)

## UK

### Information Commissioner's Office Clampdown on Nuisance Callers to Continue

The Information Commissioner's Office (ICO) has warned nuisance callers to expect more fines during the course of 2016. This follows the action taken by the ICO in 2015 during which more than a million pounds worth of penalties were imposed on companies as a result of their participation in nuisance calls and text messages, selling customer records for marketing and marketing emails. The ICO suggests that a similar level of fines is expected for early 2016, with 90 investigations in progress.

[ICO press release](#)

## 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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