

EU

New EU-US Privacy Shield Agreed

Europe and the US have agreed, in principle, on a new framework for transatlantic data flows to replace the, now invalid, Safe Harbor. The new framework is to be known as the EU-US Privacy Shield and will provide stronger obligations on companies in the US to protect the personal data of Europeans and stronger monitoring and enforcement by the US Department of Commerce and Federal Trade Commission, including through increased cooperation with European Data Protection Authorities. Squire Patton Boggs' recent client alert "[EU-US Privacy Shield: New Framework for Transatlantic Data Flows Agreed Upon by EU and US Negotiators](#)" provides more detail, and initial responses to the agreement.

[European Union press release](#)

Germany

Peter Schaar Becomes President of "Gematik" Conciliation Board

Peter Schaar, the predecessor of Andrea Voßhoff at the German Data Protection Office, has been elected president of the "Gematik" conciliation board, a body resolving conflicts between the insurance industry, doctors and pharmacists with regard to the electronic health card. "Gematik" is a national organization aiming at the modernization of health care through telematics infrastructure. The role of its conciliation board has been considerably strengthened by the recently adopted law on e-health. Schaar's appointment is considered a signal for a stronger data protection policy.

["Gematik" press release](#) (in German)

New Berlin Data Protection Officer Appointed

Lawyer Maja Smolczyk has been elected as the new Berlin Data Protection Officer. She is the successor of Alexander Dix, who has been Officer since 2005. Previously, Smolczyk has been research assistant at the European Parliament in Brussels and official in the higher public administration of Berlin. She considers her task to be defending the right to informational self-determination in a period of major societal changes.

[Berlin Commissioner for Data Protection and Freedom of Information press release](#) (in German)

Baden-Württemberg Data Protection Officer Presents Activity Report for 2014/2015

The Baden-Württemberg Data Protection Officer, Jörg Klingbeil, has presented his activity report for 2014/15, dealing with issues such as the General Data Protection Regulation, Post-Safe Harbor, the new law on the minimum wage, e-mail advertising and video surveillance. Klingbeil expressed specific concern for data privacy due to Big Data, industry 4.0, smart TVs, connected car driving and smart meters. He criticized political initiatives aimed at weakening established principles such as data economy and purpose limitation. He called on data protection authorities to prepare for their enhanced powers of control through the *General Data Protection Regulation* as of 2018.

[Data Protection Officer activity report](#) (in German)

Turkey

Turkey Data Protection Bill Aimed to be Enacted in the First Quarter of 2016

On 18 January, the Prime Minister of Turkey submitted a revised draft Data Protection Bill to the Grand National General Assembly of Turkey. The draft Bill expands definitions of "explicit consent" and "sensitive data" and makes changes to the proposed structure and appointment methods for the Data Protection Authority. The draft Bill's provisions relating to data transfers and appointment of data protection officers are generally similar to the European Union's *General Data Protection Regulation*.

[Draft Data Protection Bill](#) (PDF) (in Turkish)

UK

ICO: Draft New Privacy Notices Code

The Information Commissioner's Office (ICO) has drafted a new Privacy Notices Code, providing guidance to businesses on a range of other issues, including on obtaining customer consent to the processing of their data. The ICO said that, to meet obligations set out under data protection laws on the fair processing of personal data, businesses should only use data "in a way that people would reasonably expect". The ICO's consultation on its draft new code closes on 24 March 2016.

[ICO consultation](#) (PDF)

US

Cybersecurity Litigation: Consumer Data Protection and Privacy

Squire Patton Boggs partner Samuel Rosenthal, Chair of the Government Investigations & White Collar Practice, has authored a comprehensive guide to help lawyers and their clients mitigate cybersecurity risks and respond to litigation. "Cybersecurity Litigation: Consumer Data Protection and Privacy," is a useful handbook for companies and individuals already involved in litigation, as well as those who are in the process of evaluating their current cybersecurity program or considering establishing one to help avoid common pitfalls in implementation.

The book, published by *Bloomberg BNA*, contains in-depth discussions of:

- The liability facing companies, boards of directors and other employees responsible for cybersecurity and the recent cases applying those principles
- Necessary internal controls
- A wide range of litigation issues, tactics and strategies, including standing, damages and affirmative defenses such as causation
- A summary of the statutory schemes and governmental guidance that govern or advise on this new and emerging area of law
- Special chapters focusing on the financial services and healthcare industries that face additional challenges

Principal John Wyand, Life Science Industry Group Leader for the Americas, also contributed a chapter in the guide, addressing the *Health Insurance Portability and Accountability Act of 1996* (HIPAA) and its implementing regulations. Titled, "Special Problems in the Health Care Industry," the chapter discusses the statutory and regulatory framework for HIPAA, the Privacy Rule, Security Rule, Breach Notification Rule and Enforcement Rule, in addition to examining HIPAA training and policy requirements.

[Cybersecurity Litigation: Consumer Data Protection and Privacy](#)

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