

## EU

### Publication of the New EU General Data Protection Regulation

On 4 May 2016, the new EU General Data Protection Regulation (GDPR) was published in the Official Journal. It will be adopted as law on 24 May 2016. The GDPR replaces Directive 95/46/EC and imposes a stricter compliance regime than is currently required in many EU states, supported by fines of up to €20 million or 4% of a business' total worldwide annual turnover, whichever is higher. Companies will have a two-year grace period, until 25 May 2018, to take the steps necessary to ensure compliance.

[General Data Protection Regulation](#)

### EU Passenger Name Record Directive Adopted by the Council

On 21 April 2016, the EU Council adopted a directive on the use of passenger name record data for the prevention, detection, investigation and prosecution of terrorist attacks and severe crimes. The directive will oblige flight companies to provide member states with the passenger name record data for flights entering or departing from the EU. Passenger name record data includes the name, contact details, the travel agent, methods of payment, seat number and baggage information. Member states will have two years to implement the directive.

[Press release](#)

### Amendments to the Privacy and Electronic Communications Regulations

On 16 May 2016, The Privacy and Electronic Communications (EC Directive) (Amendment) Regulations 2016 will come into force. The Regulations amend The Privacy and Electronic Communications (EC Directive) Regulations 2003, in particular Regulations 19 and 21. The amendments require anyone instigating or making calls for direct marketing purposes (whether automated or not and whether solicited or unsolicited) "not to prevent presentation of the identity of the calling line on the called line" or "to present the identity of a line on which he can be contacted." In other words, the caller must not prevent their telephone number from being communicated to the recipient of the call. Alternatively, they must provide another number on which they can be contacted.

[The Privacy and Electronic Communications \(EC Directive\) \(Amendment\) Regulations 2016](#) (PDF)

## Germany

### Higher Regional Court of Cologne: Internet Contact Forms Require Privacy Statement

The Higher Regional Court of Cologne has ruled that, in line with the Telemedia Act (Telemediengesetz), internet contact forms require a privacy statement informing the contact seeker about the purpose of the data processing, how long the data will be retained and that she or he can withdraw consent at any time in the future.

The underlying case concerned a dispute between two tax consultants. The Court stated that the defendant did not provide a privacy statement either on the website of the contact form nor on any other website.

[Court Ruling](#) (in German)

### Bundesrat Debates Right of Action for Data Protection Authorities for Implementing the Safe Harbor Decision

In a plenary session, at the request of the federal state of Hamburg, the German Bundesrat has debated a resolution appealing to the federal government to promptly adopt a draft law enabling the data protection authorities of the Bund and the Länder to implement the ECJ decision on Safe Harbor by means of rights of action. The request has, for now, been passed to the Committee for Justice and Home Affairs. Hamburg had justified its request by stating that the ECJ decision further strengthened the role of data protection authorities.

[Press release](#) (in German)

## UK

### Elizabeth Denham Appointed as the New Information Commissioner

On 27 April 2016, the UK House of Commons Culture, Media and Sport Select Committee confirmed Elizabeth Denham's appointment as the new Information Commissioner, following a pre-appointment hearing. During the hearing, Elizabeth Denham stated that her approach would be to prioritise proactive guidance, advice and education of those involved in data processing, as well as continuing to levy heavy fines for serious breaches of data protection law.

[House of Commons Report](#) (PDF)

## Contacts

#### Annette Demmel

Partner, Berlin  
T +49 30 72616 8108  
E [annette.demmel@squirepb.com](mailto:annette.demmel@squirepb.com)

#### Caroline Egan

Consultant, Birmingham  
T +44 121 222 3386  
E [caroline.egan@squirepb.com](mailto:caroline.egan@squirepb.com)

#### Francesca Fellowes

Senior Associate, Leeds  
T +44 113 284 7459  
E [francesca.fellowes@squirepb.com](mailto:francesca.fellowes@squirepb.com)