

EU

EU and US Sign Umbrella Agreement

On 2 June, the US and the EU signed an Umbrella Agreement which will implement a framework of data protection cooperation for criminal law enforcement. The Agreement, which is not yet in force, will cover the exchange of all personal data between police and criminal justice agencies in all EU Member States and in the US providing that it is used in the process of preventing, investigating, detecting and prosecuting criminal offences. Certain safeguards are implemented in the Agreement to ensure the lawfulness of data transfers. These include limitation of data use and an obligation to obtain prior consent before forwarding the data in question. Additional procedural steps are necessary before the Umbrella Agreement can be finalised. The European Council will need to obtain consent from the European Parliament before adopting a decision on the Agreement itself.

[Press release](#)

France

France Launches New Do-Not-Call List

On 1 June, a new do-not-call list (BLOCTEL list) launched throughout France. Any French resident who no longer wishes to receive marketing telephone calls can now register their landline and mobile telephone number at www.bloctel.gouv.fr. The BLOCTEL list was created by French Consumer law No. 2014-344. The law has the two-fold objective of prohibiting companies from making marketing calls to consumers on the list (with the exception of a consumer who is an existing customer of the company), and from selling the information of any consumer on the list. Companies who fail to comply with these requirements may now face a fine of up to €75,000. They also have the additional obligations of informing consumers of the existence of the BLOCTEL list and because in practice they will not have direct access to the list, they will need to request access on a monthly basis to ensure compliance with French law.

[BLOCTEL List](#)

French Supreme Court Rules on Right to Be Forgotten

The French Supreme Court has ruled against the rights of two individuals to have their names removed from an article, or alternatively to limit access to the article found on the archived webpage of an online newspaper. The Court found that in relation to the article, which mentions a court decision sanctioning the two individuals, the “the deletion of the full names would deprive the relevant article of all interest and restricting access exceeds the restrictions that may be made to the freedom of the press”.

[Press release](#)

Germany

Thüringen Data Protection Commissioner: Private Video Recordings Require Notification

According to the Data Protection Commissioner of Thüringen, Lutz Hasse, companies and private individuals making video recordings in public spaces must notify the competent state Data Protection Commissioner of their practice if they do not have an in-house data protection officer. The context of this opinion is a recent ruling by the administrative court of Saarland, according to which the pastime of wildlife watching was deemed to trigger the notification requirement under the German Data Protection Act. According to Hasse, this ruling affects the private use of all video cameras that are monitoring publicly accessible spaces. Consequently, dashboard cameras, helmet cameras and mobile phone cameras would trigger the same obligation to notify.

[Press release](#)

US

Comments in FCC Broadband Privacy Proceeding Reveal Deep Division

On 1 April, the Federal Communications Commission (FCC) voted in favour of a new regulatory framework for the data security and privacy practices of internet service providers "ISP". Commenters in the highly contested privacy proceeding noted that the FCC's ability to impose privacy rules on ISPs depends entirely upon the outcome of a challenge to the Open Internet Order pending in the DC Circuit. Other commenters support suggestions from the Federal Trade Commission "FTC" that the FCC align its proposed rules with the FTC's approach, which focuses more on case-by-case enforcement adjudication. Critics of the FCC's approach note that the communications regulator does not propose to regulate content providers, such as website operators, who will still fall under FTC rules. By introducing a separate regulatory structure, some, such as Congressman Upton, claim that the proposed new ISP-specific privacy rules will only "create public confusion", yet consumer groups such as Public Knowledge support the FCC's actions, asserting that telecom carriers should not be allowed to commercialise customers' private information without their consent. Reply comments are due on 27 June.

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