

EU

EU Council Agrees on New Measures Against Cybercrimes

The Justice Ministers of EU Member States have agreed on a new set of measures to improve criminal justice in cyberspace. The measures focus on three main work streams which include: the streamlining of mutual legal assistance proceedings, the launch of a reflection process on connecting factors for enforcement jurisdiction and improving cooperation with service providers through the development of a common framework in order to request specific categories of data. The EU Council has appealed to the European Commission to elaborate on these three work streams by June 2017.

[Press release](#)

France

The CNIL Opens a Period of Public Consultation on the GDPR

The French Data Protection Authority (CNIL) has opened an online consultation on the list of priority issues identified by the Article 29 Working Party in relation to the General Data Protection Regulation (GDPR). The CNIL has invited comments in relation to best practices and potential areas of difficulty in interpreting the GDPR and has asked for suggestions for new topics of discussion. Contributions in relation to the first four topics identified – the data protection officer, the right to portability, the privacy impact assessment, and certification – will feed directly into the considerations of the various G29 working groups, with a view to developing common guidelines across Europe in these areas. The deadline for contributions is 15 July 2016 and can be made via the CNIL's website. The CNIL plan to launch an additional consultation period on new topics in a few months' time.

[Press release \(in French\)](#)

The French State Council Rules on Rights to Access Personal Data of the Deceased

The French State Council has ruled that the right to access the personal data of a deceased person does not pass to his/her next of kin. In this case, the dependants of the deceased made a request to her former employers to release her telephone records in order to verify the exchanges she had with her doctors before her death. In a decision confirmed by the French State Council, both the employer and the CNIL successively refused to allow her next of kin access to the information requested. It is interesting to note that the new GDPR will not apply to the personal data of a deceased person but invites Member States to develop their own set of rules in this respect. The French legislator is currently working on this issue.

[The Decision \(in French\)](#)

UK

The House of Commons' Culture, Media and Sport Committee Publishes a Report on Cyber Security

The Culture, Media and Sport Committee has published a report highlighting the importance for both companies and customers to protect their online personal data. The report comes in the wake of the cyber-attack on TalkTalk in which the personal details of thousands of customers were hacked and calls for a change in consumer awareness of online and telephone fraud. Recommendations from the Committee include penalising the heads of companies who suffer data breaches, and noting that the penalty which can be levied will soon be raised from a maximum of £500,000 to up to €20 million (or a maximum 4% of global turnover) in line with the GDPR. The report also suggests that companies introduce well-publicised guidance on how they will contact customers and how customers can make contact to verify that communications from the company are genuine.

[The Report \(PDF\)](#)

US

Industry Agreement on Facial ID Privacy Best Practices

The National Telecommunications and Information Administration has announced that a consensus has been reached on the best practice for the commercial use of facial recognition technology. The best practice guidelines address transparency, data management practices, security safeguards, problem resolution, and redress procedures, and will apply to "any person, including corporate affiliates, that collects, stores or processes facial template data" on a strictly voluntary basis. However, key consumer groups, such as the Consumer Federation of America, were notably absent from the agreement, with many withdrawing from the multi-stakeholder process over disagreement with industry representatives over the issue of consumer consent or control. These groups have now criticised the result for failing to provide meaningful guidance for businesses and "no real protection for individuals."

[The Best Practice Guidelines \(PDF\)](#)

Reform of Electronic Communications Privacy Act Held Up in US Senate

Legislation to update the 30-year old Electronic Communications Privacy Act (18 U.S.C. §2510 et seq.) have stalled in the US Senate Judiciary Committee. This comes after the U.S. House of Representatives passed its own bill in late April by a vote of 419-0. The Senate Committee, which has put off a vote on its version of the bill several times, has dual-party support for the bill which would require court-ordered warrants to search the emails and other data stored with third parties for more than six months. The point of contention at this stage is an amendment sponsored by Senator John Cornyn (R-TX), and supported by the FBI, that would expand the authority of the FBI to use administrative subpoenas under the National Security Letter surveillance program. The Cornyn amendment would permit the FBI to obtain, without a court-ordered warrant, IP addresses, routing and transmission data, session information, an individual's browsing record, message metadata, location data and the specific date and time an individual signs in or out of a particular online account. Opponents of the amendment argue that it would increase the prospect of government surveillance in a bill that is intended to enhance privacy protections.

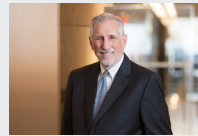
[Cornyn's Amendment \(PDF\)](#)

District of Columbia Circuit Affirms FCC Authority to Regulate Broadband Service Provider Privacy Practices

The United States Court of Appeals for the District Of Columbia Circuit has affirmed the Federal Communications Commission's (FCC) rules reclassifying broadband internet access service providers as "telecommunications carriers" under Title II of the Communications Act of 1934. Subject to any judicial or legislative reversal, this action cements the FCC's authority to proceed with its controversial proposal to adopt specific privacy rules for such providers, and to extend those requirements to other telecommunications carriers and cable and satellite video providers by revising their rules under existing statutory provisions.

[The Decision \(PDF\)](#)

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