

EU

European Data Protection Supervisor Issues Opinion on Proposals to Enhance Consumer Protection in the Digital Sphere

The European Data Protection Supervisor (EDPS) has [issued an opinion](#) on the EU Commission's proposals for a directive to enhance consumer protection in relation to digital content. The proposed directive would introduce a "hierarchy of remedies", where providers of digital content or services do not comply with legislation on e-commerce, and would regulate the use of personal data as "counter-performance" by a consumer. The EDPS welcomed the Commission's aim of improving consumer rights in the digital sphere. However, the EDPS cautioned that the Commission should avoid interfering with the forthcoming General Data Protection Regulation and the ePrivacy Regulation as it may create legal uncertainty and confusion for businesses and consumers alike. The EDPS also criticised the legitimisation of the use of data as consideration in the same way as money, noting that personal data cannot be viewed as a "mere commodity".

France

The CNIL Publishes a Six-step Methodology to Prepare for the GDPR

The French Data Protection Authority (CNIL) has [provided a reminder](#) that the forthcoming General Data Protection Regulation (GDPR) will result in a change of approach to the regulation of data use, with a move from a system that relies mostly on formalities to one based on accountability. This concept of accountability translates into:

- Taking data protection into account by default and when designing a service or product
- Establishing an organisation, measures and internal tools guaranteeing optimal protection for data subjects

The CNIL also provides guides for certain tools such as recording processing activities, Privacy Impact Assessment and data breach notification. The CNIL's six-step guide to preparing for the GDPR is set out in the [link attached](#).

Germany

Berlin Data Protection Commissioner Provides Information About Working Paper on Biometrics in Online Authentication

On 14 March 2017, Berlin Commissioner for Data Protection Maja Smoltczyk announced that the International Working Group on Data Protection in Telecommunications adopted a [Working Paper on Biometrics in Online Authentication](#) at its meeting on 22-23 November 2016. The purpose of the Paper is to show how the privacy risks arising from biometrics being used for authentication can be appropriately managed. The recommendations are addressed to legislators concerned with the legal framework for applying biometrics, as well as to service providers, developers and users relating to privacy-oriented implementations and use.

Schleswig-Holstein Data Protection Commissioner Warns Against Deteriorations in the Protection of Data Under the Draft Law on the New Data Protection Act

Data Protection Commissioner of Schleswig-Holstein Marit Hansen recently [called for urgent improvements to the draft law](#) on the amendment and adaptation of the Federal Data Protection Act (*Bundesdatenschutzgesetz*), which is being amended in accordance with the EU General Data Protection Regulation. Hansen found the removal of provisions allowing for data protection authorities to control the privacy compliance of persons subject to professional secrecy, such as doctors, therapists and midwives, to be particularly problematic. Hansen also criticised the federal government's plans, incorporated in another draft, to make it easier for bearers of professional secrecy to deploy processors whose activities would not be subject to compliance control.

Federal Data Protection Commissioner: Automated Driving shall not Introduce Electronic Tachographs Through the Backdoor

In a [press release](#), German Federal Data Protection Commissioner Andrea Voßhoff criticised the German government's draft amendment to the Road Transport Law (*Straßenverkehrsgesetz*). The amendments seek to clarify liability issues in the context of automated driving by introducing a duty to use an electronic memory device for the storage of driving data. Voßhoff stated that the data in question would constitute personal data and criticised the draft as it does not specify which driving data will be stored, whether it may be deleted in the short term, or whether and for which purpose authorities and third parties, such as those involved in accidents, may access the data. The draft is due to be adopted by the *Bundestag* before the parliamentary summer break.

Bavarian Data Protection Authority: Patient Files may not be Stored in Unlocked Filing Cabinets in a Publicly Accessible Cellar Corridor

The Bavarian Data Protection Authority has announced that it has [ordered a dentist to immediately store her/his patient files in a lawful manner](#) after a police request on the same matter had been ignored. The background to this is that a citizen had informed the Data Protection Authority about unlocked cabinets in a publicly accessible cellar corridor containing patient files administered by a dentist. The Bavarian Data Protection Commissioner stated that the risk resulting from an unlocked cabinet could not be accepted in the case of health data.

UK

House of Lords Committee Releases Report on Driverless Vehicles

On 15 March 2017, the House of Lords Science and Technology Committee [released a report on connected and autonomous vehicles](#) (CAVs). In its report the Committee addressed the issue of data protection and stated that data relating to an individual's CAV in terms of position, speed and performance on the road "cannot be regarded as entirely personal". The Committee went on to note that such data would be needed for "public benefit" if a CAV system were to be introduced on a large scale. However, the report also acknowledged concerns regarding inappropriate use of geolocation data generated by CAVs and recommended that the UK government liaises with the Information Commissioner's Office (ICO) and industry stakeholders in order to ensure that the mechanisms for the protection of CAV data are sufficient to comply with data protection legislation. The ICO signalled its intent to issue its own call for evidence on the issue of CAVs and data protection, which is likely to progress the debate further.

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