

Germany

Hessen and Bavaria Publish Information and Complaint Forms for Data Subjects Concerning “Privacy Shield”

The Data Protection Authorities of Hessen and Bavaria announced on their websites that they have [released broad information on the EU-US Privacy Shield](#), including a unified complaint form for data subjects. The Privacy Shield came into force on 1 August 2016 as a new legal basis for transfers of personal data from the EU to the US. Under its regime, data subjects from the EU enjoy specific rights against Privacy Shield-certified US companies such as rights to information, rectification, erasure, or guarantees in the case of onward transfers. For the first time, European citizens have been given the opportunity to request an examination from a US ombudsman if they fear breaches of their personal rights by US secret services and authorities have occurred. The information and complaint form published shall facilitate the use of these rights.

Bavarian Data Protection Authority Sends Inspection Questionnaire to 150 Companies

Considering the GDPR’s fast-approaching start date (25 May 2018), the Bavarian Data Protection Authority announced that it had sent a [fictitious inspection questionnaire to 150 randomly selected Bavarian companies](#) in order to give them an idea of how the authority intends to examine compliance with the GDPR as of May 2018. The questionnaire deals with topics such as data processing registers, transparency and information requirements or data breach notifications. The aim of the questionnaire is to give companies the opportunity to find out how prepared they are for the new data protection law. The Bavarian Data Protection Authority is offering information on its website for companies that have not obtained this questionnaire.

UK

Council Fined by ICO Over Publication of Sensitive Personal Data in Online Planning

The [ICO issued a £150,000 fine to Basildon Borough Council](#) for publishing on its online planning portal a statement in support of a householder’s planning application for proposed works in a green belt. The statement contained sensitive personal data such as the family’s disability requirements, including mental health issues, the names of all the family members, their ages and the location of their home. The ICO’s investigation found that the statement was published without redacting any personal data on 16 July 2015 and was only removed on 4 September 2015. An inexperienced council officer had not noticed the sensitive information and no other officer had checked the statement for personal data before publishing it. The ICO found that Basildon Borough Council had breached the Data Protection Act 1998 for failing to provide training and to put data protection procedures in place.

High Court Orders BBC to Reveal Source of Information Regarding Planned Raid on Home of Sir Cliff Richard

Sir Cliff Richard brought proceedings against the BBC for infringement of his privacy rights and rights under the Data Protection Act 1998 after the BBC obtained information that South Yorkshire Police would be conducting a raid on Sir Cliff Richard’s home and subsequently televised it. In order to make his case properly, Sir Cliff Richard asked the BBC to confirm whether its source of information was within or associated within the police operation in charge of the investigation. The BBC declined to answer on the basis that it risked exposing a journalistic source, or otherwise required the disclosure of information about a source which it ought not to have to provide. [The High Court granted Sir Cliff Richard an order](#) requiring the BBC to confirm the question in light of the low risk of identification of the source and the weight this question carried in Sir Cliff Richard’s case to uphold his right to privacy.

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