

France

Access to Data of a Deceased Person by Its Heirs

In June 2016, the State Council ruled that the right of access to personal data of a deceased person did not benefit his or her heirs. One year later, on 7 June 2017, [it revisited this issue and took a different view](#). Where data was required for the purpose of a claim for damages in relation to an accident causing the death of a person, the State Council stated that the heirs could have access to the deceased person's data. In the case at hand, the data was retained by an insurance company. However, the State Council stated that data can only be accessed to the extent necessary for the claim.

Germany

Ethics Committee Releases Guidelines on Automated and Connected Driving

Under the auspices of the Federal Ministry of Transport and Digital Infrastructure, the Ethics Committee on Automated and Connected Driving (a group of 14 experts of ethics, law and technology under the leadership of Udo di Fabio, former judge of the Federal Constitutional Court) has [presented its guidelines for programming automated and connected cars](#). The report contains 20 guidelines and, in particular, it states that automated and connected driving is ethically required if it causes fewer accidents than human driving. The report goes on to state that protection of human life should prevail over the protection of property in situations of danger. For issues of liability, the driver should also always be clearly documented (whether it is the computer or the human) and must have the right to decide on the transfer and use of their car data.

Higher Administrative Court Rules That Data Retention Obligation Breaches EU Law

[On 22 June 2017](#), the Higher Administrative Court (Oberverwaltungsgericht) of Nordrhein-Westfalen ruled that the obligation of telecommunication providers to retain their users' traffic data (for 10 weeks) and location data (for four weeks) is contrary to European Union law, in particular Article 15 of the E-privacy Directive (2002/58/EC). The plaintiff, an IT company from Munich, had first turned to the Administrative Court of Cologne requesting a preliminary injunction, but the complaint had been rejected. In Germany, the data retention obligation was reintroduced in December 2015 and it must be complied with by 1 July 2017 at the latest.

UK

Firm Fined £50,000 by ICO for Nuisance Calls

MyHome Installations in Maidstone has been [fined £50,000 by the ICO](#). In total, 169 complaints were received regarding calls made to phone numbers on the Telephone Preference Service, the official central opt-out register of telephone numbers whose users have opted not to receive marketing calls. According to the complaints, individuals received unwanted calls about electrical surveys and home security. The ICO concluded that MyHome Installations had failed to carry out proper checks on the suppliers from whom they had bought data. Consequently, they had breached the Privacy and Electronic Communication Regulations.

AMI Issues Guidelines in Light of Recent Global Cyberattacks

The Association of Mortgage Intermediaries (AMI) [has issued a factsheet](#) for its members to consider in response to the growing risk of cyberattacks following the WannaCry ransomware, which recently hit the NHS. The factsheet aims to help firms from a variety of sectors to review their cyber security infrastructure. AMI is encouraging businesses to take steps in case of a cyberattack, including giving staff of all levels a basic understanding of the threat and allocating different responsibilities to staff in the event of an attack. AMI's chief executive, Robert Sinclair, highlighted that the factsheet was particularly relevant with regards to the forthcoming implementation of the GDPR in May 2018.

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