

Europe

Commission Negotiates Deal With the Japanese Data Protection Agency

The [European Commission](#) is negotiating a deal with Japan's data protection agency on personal data transfers. The deal may leave Japanese companies vulnerable to new, stricter EU rules set to come into force next year.

However, many have questioned whether Japan's Personal Information Protection Commission can establish rules strict enough to satisfy the EU and the General Data Protection Regulation (GDPR), which comes into effect on 25 May 2018. There are 2,500 Japanese companies operating in the EU that are at risk from a failure to comply with the GDPR.

Germany

Federal Labor Court: Surveillance of Employees via Keylogger Not Allowed

The [German Federal Labor Court](#) has ruled that the use of a software that records keyboard inputs and produces screenshots for the purposes of surveillance (keylogger) by an employer could not be considered lawful under sect. 32(1) of the Federal Data Protection Act if there is no concrete suspicion that the employee has committed a criminal act or is responsible for a severe breach of duty. The information about an employee's private activities on an official computer collected via keylogger thus may not be used in court proceedings. The court stated that such use by the defendant breached the plaintiff's constitutional right to privacy.

By way of background, the plaintiff had worked for the defendant as a web developer since 2011. In 2015, the defendant told her employees that she was logging all internet traffic and use of IT systems. After the defendant found out that the plaintiff had used his official computer for private purposes to a considerable extent, even though the plaintiff had claimed only minor private use, the plaintiff terminated the employment without notice.

UK

ICO Fines Telephone Services Company £85,000 for Illegal Nuisance Phone Calls

On [11 September 2017](#), True Telecom Limited was fined £85,000 by the Information Commissioner's Office (ICO) after complaints from subscribers of the Telephone Preference Service (TPS) about unsolicited marketing calls, despite previously notifying True Telecom that they did not wish to receive such calls.

Notwithstanding a warning from the ICO, 201 complaints were received about True Telecom Limited between April 2015 and April 2017.

The ICO found that this was a breach of the Data Protection Act 1998 and serious contravention of regulation 21 of the Privacy and Electronic Communications (EC Directive) Regulations 2003 (SI 2003/2426). Additionally, the ICO issued an enforcement notice ordering True Telecom Ltd to stop its illegal practices. True Telecom Ltd is required to desist from calling those on the TPS and also those who have asked not to be called.

ICO Fines Cab Guru Limited £45,000 for Unsolicited Text Messages

[Cab Guru Limited](#) created an app that allowed customers to compare taxi fares and pickup times and book the most appropriate taxi. Cab Guru Limited promoted this app with unlawful direct marketing texts (a total of 706,650 messages were sent), inviting customers from taxi firms that had invested in the new scheme.

Mobile phone industry body GSMA received 165 complaints between 27 May and 5 June 2016 concerning the unsolicited texts. The ICO found that Cab Guru Limited was in breach of the Data Protection Act 1998 and in serious contravention of regulation 22 of the Privacy and Electronic Communications (EC Directive) Regulations 2003 (SI 2003/2426).

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