

ISOC EUROPEAN REGIONAL BUREAU - EU issues overview

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Data protection

Irish Presidency calls for discussions on the “Right to be forgotten”

- The Irish Presidency of the European Union published a [discussion paper](#) on the proposed data protection framework reform.
- Analysing the scope of the **right to be forgotten**, in particular re: a possible conflict with other rights, as e.g. freedom of expression, the Presidency invited EU Member states to discuss the following topics:
 - ‘whether they support a strengthening of the existing right to erasure in the form of the new “right to be forgotten”;
 - if so, whether the obligations imposed on data controllers arising from the “right to be forgotten” are reasonable and feasible.’
- Underlying that the year 2013 is the European Year of Citizens, [EDRI](#) pointed out that the proposals included in the discussion paper **could ultimately lead towards less protection** of citizen’s fundamental right to data protection.

UK Government criticises the Data protection regulation proposal

- In a [response](#) to the UK Parliament Committee’s opinion on the European Union Data Protection framework, the **UK Ministry of Justice criticised** several provisions of the proposed regulation, especially the **right to be forgotten**, underlying the related **administrative burdens** and costs of implementation.
- The Government’s analysis highlighted that the citizens’ right to erase their data is unquestionable, but the denomination ‘right to be forgotten’ would lead to **misinterpretations and unrealistic expectations**.
- The actual deletion is said to be impossible and “may encourage data subjects to be more reckless with their personal data, thus undermining the intention of enhancing their protection and rights,” stated the Government.
- Another controversial issue is the **subject access right**. While underlying the right of individuals to have access to their own personal data, the exercisability of this right free of charge would pose problems as the number of requests for data access would sharply increase, leading to additional costs for data controllers.
- Based on the results from the related [Impact Assessment study](#), the UK Government concluded that **enterprises would face inadmissible additional costs** in order to comply with the Regulation.

A regional German DPA threatens Facebook on anonymous user accounts

- The Data Protection Authority of the German state Schleswig-Holstein has stated it will no longer accept that **Facebook is violating the German data protection laws**. The issue at stake is Facebook’s **refusal to accept anonymous user accounts**.

Net neutrality

Commissioner Kroes calls for consumers Internet choice

- In an [Op-Ed](#) published in *Libération*, Digital Agenda Commissioner Kroes underlined the necessity for the consumers to have a **choice** when it comes to their Internet usage. ‘I am currently preparing an initiative of the Commission to ensure that choice in Europe,’ she wrote.

- Commenting on the recent polemic created by the French Internet service provider Free, which blocked on-line advertisements, Commissioner Kroes stated that 'the consumers should not forget that while opting for ads-free Internet and using a do-not-track service, **they could be deprived of access to free content**.
- In Commissioner's opinion, consumers should have the right to choose an Internet service according to their preferences.
- 'The Commission encourages the advertising industry to ensure that **users are offered a clear choice on cookies**, based on concise and digestible information. It also collaborates with a wide variety of online players to develop a '**Do Not Track**' standard so that consumers who make this choice can be certain that it will be respected,' wrote the Commissioner.
- The attempt by Free to block advertisements and the fact the Microsoft includes a default do-not-track system in its Internet Explorer, were underlined by Kroes text as being **contributions to net neutrality discussions**. However, those private actions need to be followed and evaluated. Should they collide with the general interest, **the public authorities must always retain the right to intervene**.

France's decision on net neutrality legislation expected at the end of February

- A **round table on net neutrality**, organised by the French Minister for Digital Economy Fleur Pellerin, took place in Paris on 15 January. This seminar aimed at emphasising the importance of net neutrality in the context of growth of the digital economy and to recall the need to preserve users' freedoms.
- In her closing speech, Minister Pellerin stated that the decision to legislate or not on the net neutrality principle should be taken at the **end of February**.
- The newly created National Digital Council (**Conseil national du numérique** CNN) will be in charge of the question of possible net neutrality legislation as of 18 January.
- The reactions following the round table were rather negative. Benjamin Bayart, President of the French Data Network (a non-profit organisation) [stated](#) that "if we are still debating net neutrality, it is because the politicians have decided not to do their job".
- La Quadrature du Net [underlined](#) its disappointment stating that the debate only served to cover the lack of Minister's action, and this almost two years after the publication of the [Parliamentary report on net neutrality](#).
- EDRI [concluded](#) that the French approach 'starts to look like a local duplication of the European **Commission's wait-and-see approach**: if you don't want to do anything just launch consultations... or a series of round tables'. Moreover, EDRI pointed out that while the French authorities called Free to cease the blocking of on-line ads, French minister of Women's Rights and Government spokesperson Najat Vallaud-Belkacem [requested](#) from Twitter, after a series of homophobic incidents, to "respect the values of the Republic," and to retrieve the unwanted content.

Cybersecurity

EU Communication on Cybersecurity

- In a [press release](#) on 18th January, the European Commission reiterated its intention to **publish shortly** the long-awaited cybersecurity strategy, but without providing a concrete date.
- A leaked draft of the **Commission communication on Cybersecurity** stresses the importance of a multistakeholder model of Internet governance and calls for an **improved private-public cooperation** to foster cybersecurity. The [European Network and Information Security Agency](#) (ENISA) and the [European Cyber Crime Centre](#) (EC3) are to play a central role in coordinating the efforts with a view to improving cybersecurity across the European Union.
- The principles governing the EU approach here are to be built on the respect of human rights, freedom of expression and information, while providing guarantees for right to privacy and the protection of personal data.