

ISOC EUROPEAN REGIONAL BUREAU- EU issues overview

26 January – 1 February 2013

Data protection

US access to EU data stored on cloud to be contested

- The provisions of the US Foreign Intelligence Amendments Act grant the US Govt the **power to access and collect information** stored on a cloud run by American providers. Therefore, without any warrant, the US Government has access to **information EU citizens stored on a US-run cloud**, highlighted Casper Bowden, former chief privacy advisor to Microsoft during [Computers, Privacy and Data Protection Conference](#) that took place in Brussels.
- While the European Commission did not comment on the issue, Toomas Hendrik Ilves, President of Estonia stated that “if it is a US company it’s the FBI’s jurisdiction and if you are not a US citizen then they come and look at whatever you have if it is stored on a US company server”.
- The European Parliament has published a [report](#) on fighting cybercrime and protecting privacy in the cloud in which it calls for the **EU to pay particular attention** to ‘US law that authorizes the surveillance of Cloud data of non-US residents. The EP should ask for further enquiries into the US FISA Amendments Act (...) The EP should consider amending the DP Regulation to require prominent warnings to individual data subjects (of vulnerability to political surveillance) before EU Cloud data is exported to US jurisdiction’.

EU Data Protection Day

- On Monday, 28 January, [European Data Protection day](#) took place. One year after the European Commission presented its [proposal](#) for the EU data protection framework overhaul, the discussions on the appropriateness of the measures are still ongoing.
- On her [website](#), Justice Commissioner Reding underlined the progress in discussions that has already been made (e.g. an informal justice ministers council that took place at the beginning of January). The Commissioner also stressed the support of the [European Parliament rapporteurs](#) for “a coherent and robust data protection framework with strong and enforceable rights for individuals”.
- The centre-right EPP Group in the European Parliament reiterated its support for the Data Protection Regulation being adopted by 2014, highlighting that there is no room to delay the legislation to the next elections. Axel Voss, EPP’s Group Data Protection Expert, commented on the Data Protection Regulation reform stating that “this train has already left the station”.
- On the occasion of the Data Protection day, [EDRi](#) has published a sum-up document on the data protection reform called Protection. It made reference to the role of Internet and communication service providers, in particular while calling for the set-up of data protection by design and by default.
- **‘Service providers should support their users** in this by providing user-friendly methods to change privacy settings. They should also be transparent about their data processing practices and supply understandable privacy policies’, said the document.

Cybersecurity

Cyber Europe 2012, a milestone in European cybersecurity cooperation

- [Cyber Europe 2012](#), a simulated cyber-attack under the organisation of the European Network and Information Service Agency (ENISA), took place across the EU on 4 October 2012.
- On 31 January, ENISA published a **detailed report** on the simulated attack which is available in all 23 official languages of the Union.
- The exercise had three objectives:
 - 'Test effectiveness and scalability of existing mechanisms, procedures and information flow for public authorities' cooperation in Europe'
 - 'Explore the cooperation between public and private stakeholders'
 - 'Identify gaps and challenges on how large scale cyber incidents could be handled more effectively'
- According to ENISA, 339 organisations took part, totalling 571 individual players being exposed to thousands of incidents ('injects'). The participants included **60 ISPs**, cybersecurity agencies and organisations, relevant ministries, e-government services, financial institutions (60), and telecommunication operators.
- On 29 January, the Irish Presidency of the Council of European Union [announced](#) that a **consensus on a new mandate for ENISA** (the current one expires on 13 September 2013) has been reached with the European Parliament. Coreper (Committee of Permanent Representatives where Member States prepare for Council ministerial meetings) votes on the political agreement on 1st February.

Commissioner Kroes calls for a coordinated international response to cyber-attacks

- In a speech delivered during the Global Cyber Security Conference that took place in Brussels on 30 January, Digital Agenda Commissioner Kroes called for **better coordination on cybersecurity**, both internationally and at EU level.
- Recalling the **increasing number of attacks** and consequences that those might have on the European economy, Kroes underlined her determination to strengthen international cybersecurity policy (via closer cooperation with US, Japan and international bodies including ITU. This should be allowed thanks to the upcoming **EU Cybersecurity Strategy** due to be published on 7 February.
- In her speech, Commissioner Kroes welcomed the already ongoing cooperation between public-private spheres (e.g. [European Public-Private Partnership for Resilience](#)) and called for encouraging further development of **Public-Private Partnerships**.
- European answer to cyber-attacks would also include the development of an integrated market for **secure ICT solutions**, thanks to investments into R&D programmes (e.g. [European research and innovation programme, Horizon 2020](#)).

Net neutrality

Russian 'Clean Internet' experiment gets green light

- In the Russian Kostroma region, the *Safe Internet League*, a non-commercial organization, has reached an agreement with the governor of the region and the 29 local internet services' providers to carry out an experiment called '[Clean Internet](#)'. The aim of the project is to provide a list of websites free of pornography, violence, extremism or other illicit or illegal content.
- Although the project has been criticized by Internet activists, it will be launched as of February once the providers have changed their user agreements to enable their users to access the '**white list**' of **500 000 websites** that have received the green lights of the league's experts. In April, the list will be expanded to 1 million websites.

Copyright infringement

Finnish Copyright Law Might Be Changed Following Crowdsourcing Support

Open Ministry, a private non-profit initiative in charge of maintaining orderly proceedings of this new procedure, has put forward a new proposal whose goal is to **amend the Finnish copyright law that sanctions digital piracy**. Finish citizens may make such a proposal with 50,000 signatures. It must now be examined by the Finish Parliament.