

ISOC European Regional Bureau Newsletter

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Data protection

EU: Member States oppose lodging regulatory powers to a single authority

- According to a note prepared for a meeting of **EU Justice Ministers** (this week), EU Member States oppose a provision of the proposed data protection Regulation that would allow companies operating across the EU to be regulated by a single national watchdog, which will depend on the country in which they are registered.
- The Member States fear that, if the supervision and concomitant powers were to be concentrated in one authority, it could hamper the **protection of individual data** and deprive citizens of the possibility to effectively communicate with the regulator, internal sources reported.
- Enhanced cooperation and involvement of other regulators appears as the most plausible scenario, some experts argued.
- This new **point of contention** could upset the prospects for an early adoption of the proposed Regulation before elections to the European Parliament (next spring).

Belgian watchdog criticises the proposed data protection Regulation

- In a recent press interview, the Chair and Vice-Chair of the **Belgian Commission for the Protection of Privacy** have severely criticised the proposed EU data protection Regulation, highlighting that the text includes slogans with no content (e.g. the right to be forgotten).
- Joining the EU Member States, Commission's executives, along with other EU data protection watchdogs, also denounced the creation of a single point of contact; a reform generally welcomed by companies which would only need to deal with a regulator in their EU headquarters country.

France: Watchdog to fine Google over refusal to change privacy policy

- **CNIL**, the French data protection watchdog, has announced that it will **sanction Google** over its privacy policy. The move comes after the expiration of a three-month deadline which the regulator set earlier this year, during which Google was asked to modify its privacy policy to comply with the French data protection laws.
- Google's new privacy policy has enabled the search engine to merge users' data across its services. In CNIL's view, the rules prevent users from knowing how their data are used and for how long they are kept.
- Google's answer did not address the points raised by the watchdog that can impose a fine of up to €150,000, underlined the press release. Similar enforcement actions are expected to be taken by regulators in Germany, Italy, the Netherlands, Spain and the UK.

Cybersecurity

EU: Slow progress on the proposed cybersecurity law

- The European Parliament's **Internal Market Committee**, the lead Committee on the proposed **Network and Information Security Directive**, has **postponed the date of its vote on amendments**, originally scheduled for November, to 22 and 23 January 2014. This move, together with the fact that the Committee recently decided that the Industry and Civil Liberties Committees should also have a say on some parts of the proposal, reduces hopes for the Directive to be adopted before the end of the current Parliamentary term.
- Member States are also split over the proposal; the UK proposes a voluntary, rather than mandatory notification system. The progress of the dossier could depend on the outcome of the upcoming EU summit on digital economy (24-25 October).

Cybersecurity update

- On 1 October, ENISA, the European Network and Information Security Agency launched **European cybersecurity month**, an initiative that aims to inform the general public about cybersecurity measures. The campaign, taking place across most EU member states, unites over 40 participants from the private and public sector.
- At the recent hearing of the European Parliament's Civil Liberties Committee, which focused on the **alleged hacking of Belgian telecoms (Belgacom) servers**, the company's executives confirmed that the scale of the attack was unprecedented. While ensuring that customers' privacy has not been compromised (both European Commission and Parliament are Belgacom clients), the company's executives stated that the complexity of the attack indicates that a single company or country would be unable to withstand it on its own.
- Philip Hammond, the **UK Secretary for Defence**, admitted that the UK is developing an offensive capability to strike enemies in cyber space. It is the first time that a Western government has acknowledged offensive, rather than defensive capabilities.

General

EU: Barroso urges EU member states to promote a Digital Single Market

- In a letter sent to the Members of the European Council ahead of the EU digital economy summit, President of the European Commission **Barroso** called on political leaders to support growth of the **European digital economy** and completion of the **Digital Single Market**.
- Barroso has urged the Member States and the European Parliament to adopt the proposals that would help the set-up of the digital market (e.g. electronic identification and trust services, data protection rules etc.) before the end of this Parliamentary term.