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Data protection

EU: Advocate General finds retention Directive incompatible with fundamental rights

- According to the opinion of Advocate General Pedro Cruz Villalón (Court of Justice of the European Union), the **EU data protection Directive is incompatible with the EU Charter of Fundamental Rights**, as the charter requires that any limitation on the exercise of a fundamental right (privacy) must be provided for by law.
- Cruz Villalón argued that the **Directive interferes with a citizen's right to privacy** as it lays down obligation on communication service providers to collect and retain traffic and location data. The Advocate did not argue against the collection and retention of the information itself.
- Also, the use of data makes it possible to constitute an exhaustive map of a **person's private identity**. The data retained might be used for unlawful purposes detrimental to privacy as the data is not retained by public authorities but private companies, argued Cruz Villalón. He also pointed out that the Directive does not require for the retained data to be stored in the EU.
- The Advocate reasoned that the Directive should have **defined minimum guarantees** for access and more precise description than serious crime as indication of activity allowing the national authorities to access the data. He also underlined that there is **no sufficient justification for not limiting the data retention** period to less than a year. Currently, the Directive requires the Member States to ensure that the data is retained for a period of up to two years.
- The opinion was delivered in proceedings to a preliminary ruling made by the High Court of Ireland and the Constitutional Court of Austria. The High Court must decide on a case between **Digital Rights Ireland** (EDRi member) and the Irish authorities, following Digital Rights' complaint about the unlawful procession, retention and data control over its communications.

EU: Germany opposes one-stop shop principle

- During the **EU Telecommunication Council** that took place last week in Brussels, **Germany**, with the support of the Czech Republic, Denmark and Hungary, opposed the proposed **one-stop shop principle**, fearing it may lead to lower consumer protection standards. Thanks to the introduction of this principle, businesses operating across the EU would deal with a single data protection authority in the country where they are based.
- While Germany reiterated its commitment to the harmonisation of the EU data protection rules, it stated that this should not be done at any price. Lithuanian Minister of Justice, who chaired the Council meeting, commented that despite the efforts of his country's EU Council presidency, **significant gaps remain** between the Member States positions.
- The Council's outcome is perceived as a blow to an agreement reached in October, thus hampering the prospects of the reform to be adopted by spring 2014, reported **EurActiv**. EU Justice Commissioner Reding deplored the outcome of the meeting, arguing that the EU has moved backwards.

EU: Data protection authorities plans safe harbour review

- Following the European Commission's set of **recommendations to improve Safe Harbour**, a senior official at **CNIL**, the French data protection authority (DPA), confirmed that Article 29 Working Party plans to conduct its own assessment of the arrangement. The safe harbour framework allows US businesses to collect personal data in the EU by declaring they comply with the agreement.
- DPAs intend to **provide the Commission with guidance** for its evaluation next summer; assessing whether the arrangements of the deal need to be reviewed. The DPAs are yet to decide which country's authority is to lead the assessment.

EU: ITRE Committee calls for better data protection of cloud services

- In a **non-binding resolution**, the European Parliament's Industry, Research and Energy Committee (ITRE) called for strengthening the protection of files managed by cloud computing services. The aim is to provide protection against foreign spying on cloud services.
- **MEP Pilar del Castillo Vera** (EPP, Spain), leader of the dossier, underlined that the European rules should apply to all cloud services, even if a third-country client instructs otherwise. The resolution highlights that the EU must establish safeguards to prevent massive illegal transfers of cloud data.
- The MEPs underlined that under current rules, **European consumers are not well protected** if a foreign cloud provider breaches contract. Therefore, better information and more redress in cases of difficulty should be established, thanks to the development of cloud contracts.
- The resolution has urged the Commission to ensure that consumer devices do not make use of cloud services by default and are not restricted to a specific cloud service provider.

Cybersecurity

ENISA publishes its 2013 threat landscape report

- **ENISA**, the European Network and Information Security Agency has published its **annual report** on threat landscape. The report analyses over 200 reports and articles, and addresses three main questions: main cyber-threats of 2013; who are the adversaries; and what are the trends in digital ecosystem threats. In 2013, the top three threats are drive-by-downloads, worms/trojans and code injections.
- The report underlines the following **negative trends**: increased sophistication of threats; growing number of states that have developed capacities to infiltrate targets; mobility of cyber-threats; and emergence of new digital battlefields (big data, Internet of Things).
- On the positive side, the report highlights that **both the quality and the number of reports have increased**. But, improvements need to be made with regards to greater coordination of information collection and threat analysis; the speed of threat assessment; and active adoption of simple security measures by end-users.

Cloud computing

ETSI launches Cloud Standards Coordination initiative

- **Neelie Kroes**, the EU Digital Agenda Commissioner has **welcomed** the recently published **Cloud Standards Coordination mapping report**, written by ETSI, the European Telecommunications Standards Institute.
- Kroes underlined the role standards and certification play in **developing of the cloud market**, procedure that is in line with the **European Cloud Computing Strategy** launched last year. The cloud strategy aims to create 2.5 million new European jobs and boost the EU's GDP by €160 billion by 2020.