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Data protection

EU: Need to revise Safe harbour, otherwise the agreement should be suspended

- The 95th **plenary meeting of the so-called Article 29 Working Party** (WP) took place last week in Brussels and addressed the **issue of trust in EU-US data transfers**. “Under the current circumstances”, the WP underlined, “it is questionable whether the **Safe Harbour** provides adequate protection for EU citizens”. Should the ongoing review process not lead to a positive outcome, the **WP would recommend suspending the agreement**. The WP also recalled that data protection authorities may suspend data flows in line with their national competences and EU law.
- The European watchdogs are pushing for the **US to clarify and distinguish the competences and roles of the various US institutions** that supervise and enforce the Safe Harbour agreement.
- The group stated that it should be clarified whether the agreement’s provisions also apply to companies that act as data controllers and transfer personal data of EU users from equipment situated in Europe. It should also be made clear whether US companies that only process EU data should comply with the Safe Harbour.
- The European **Conference of Data Protection Commissioners** will take place on **5 June** in Strasbourg.

EU: MEPs are split over the need to present a new data retention law

- Discussion on rules that require **telecommunication companies to store their customers’ data** for the purpose of investigation has **divided MEPs across the political spectrum**. The debate followed last week’s **decision by the Court of Justice of the European Union** that had **annulled the EU Data Retention Directive**.
- A split appeared between those MEPs who want the Commission to present a new proposal on data retention as soon as possible, the centre-right, and the **Liberals who rejected the idea of introducing new rules**. Many MEPs called for the national governments to **suspend the national provisions stemming from the EU Directive**.
- **German MEP Manfred Weber** (EPP) argued that the EU needs a data retention law to effectively fight against terrorism and organised crime. **MEP Nadja Hirsch** (ALDE, Germany) responded that there is no need for data retention at a national or European level. The Socialists opted for a middle-ground solution, saying that any new rules should prevent mass collection of data.
- The EU Commission commented that it needs more time to assess the implications of the ruling. **EU Home Affairs Commissioner Malmström** also commented that each Member State needs to assess whether there is a need to change national legislation.

Sweden: Four Swedish telcos stop storing customer data

- Four Swedish telecommunication companies (Telia, Tele2, Three, and local ISP Bahnhof) **decided to abandon data retention**. The move follows the recent ruling by the Court of Justice of the European Union that ruled that the **2006 EU Directive on data retention is invalid**. By transposition of the EU law, Swedish providers have been required to store e-communications subscribers' data since May 2012.
- A spokesperson from the **Swedish Post and Telecom Authority** (PTS) said that the **authority decided not to act against operators who stop retaining data** as despite the fact that there has been no change in Sweden's legislation, it would have difficulties enforcing the law.

Cybersecurity

EU: Commission presents compromise on cybersecurity cooperation and reporting

- The **European Commission** has circulated a memo among the Member States' government experts in order to **find a compromise on the proposed cyber incidents reporting rules**. Last month, a group of nine Member States pressed for the rules on cooperation to be loosened, underlining that cooperation should focus on technical aspects, rather than on operational obligations. States with strong cybersecurity measures are said to press for a more stringent approach.
- The compromise proposal presented by the Commission envisages **two forms of cooperation**: strategy discussions and action coordination. The strategic cooperation would take the form of regular meetings of national cybersecurity chiefs and of national policy experts.
- **Greece**, the current holder of the rotating Presidency of the Council of the European Union is expected to **present a draft version of the amended law by end of this month**.

General

EU: Commission considers including broadband in the EU universal service definition

- The European Commission has launched a **call for tender** on a study on whether or not, and how, to **change the scope of the universal service at the EU level**. The move follows the announcement by the **EU Digital Agenda Commissioner Kroes** who stated in October 2013 that the Commission is **considering including broadband services** in the universal service rules as an increasing number of services is being conducted online. In the past, universal services included pay phones, directory-inquiry services and special measures for disabled citizens.
- Analysing the essential types of online services, the study should determine the **costs and benefits of expanding the scope of these universal service obligations to include Internet access**, and identify four different bandwidths required to tap these services, which could fall under the scope of the universal service rules. Alongside, an assessment of feasibility and costs of connecting public places of specific interest (schools, libraries and healthcare centres) should also be included in the study.
- The winning bidder would examine whether other EU policy initiatives (e.g. measures to **lower the cost of high-speed broadband** rollouts that the Parliament adopted on 15 April.) already provide enough impetus for the development of broadband connections.

Data protection/General

France: Users sceptical about data protection online

- According to a new opinion poll by TNS-Sofres and La Poste, while an increasing portion of the French population uses the Internet for shopping and other financial operations, they remain **sceptical with regards to the data protection online**.
- Only **26% consider that their personal data is protected online**; 80% of respondents think that personal data they share online is no longer in their possession. The main factors explaining this situation are said to be: the **lack of transparency of online services** and enterprises; **lack of information on data storage** and the actual location of the data; and **lack of certification** and secured services.