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Data Protection

EU: EU data protection supervisors meet with search engines to discuss right to be forgotten

- On 24 July, the **Article 29 Working Party**, which gathers the EU's national data protection supervisors, met with search engine operators, including **Google**, **Microsoft** and **Yahoo**, to discuss and exchange views on the consequences of the recent Court of Justice ruling on the **right to be forgotten**.
- **Google** informed EU data protection regulators that most of the requests to remove search links come from **France**, followed by Germany, UK, and Spain. In total more than **91,000 requests** have been made since the EU court's ruling in May.

Italy: Regulator asks Google to change data use practices

- In a Decision on 21 July, **Italy's data protection regulator gave Google 18 months to change the way it treats and stores user data**.
- The Italian regulator has ruled that Google may not use users' data for profiling without their **prior consent**. Furthermore, it will have to inform users specifically that it is profiling them for marketing purposes.

EU: European Parliament's Civil Liberties Committee discusses state of play of draft Regulation

- On 22 July, members of **the European Parliament's Civil Liberties, Justice & Home Affairs Committee** (LIBE) discussed the state of play in the negotiations for a new Data Protection Regulation. This was the first opportunity for the new Parliament to debate the proposal.
- LIBE MEPs were very critical of the Council's failure to reach a negotiating position to allow inter-institutional talks to begin and called on Member States to do so as soon as possible. **Rapporteur Jan-Philipp Albrecht** (Greens/EFA, Germany) expressed concern at conflicts of applicable legal systems and laws encountered by companies operating on European territory. **Sophie in't Veld** (ALDE, Netherlands) said that the delay has allowed the Court of Justice to issue verdicts which shore up the Parliament's position, such as its recent ruling in May on the right to be forgotten.
- The Council data protection working group is scheduled to meet on 10-11 September to continue the negotiations. The Italian Presidency hopes to finalise agreement on key parts of the Regulation with a view to reaching a **common position** on more provisions at the meeting of Justice Ministers on 9-10 October. Formal negotiations between the Parliament and the Council may start in Q4 2014, and the official deadline for the final adoption of the Regulation is set early 2015. This would allow the new legislation to enter into force in 2017.

EU: Danish government asks for flexibility for national legislation

- The Danish government has asked for **flexibility for national legislation** in the negotiations on the Data Protection Regulation, in order to allow individual EU countries to maintain stricter or more lenient data protection rules for specific sectors or types of data.

- Denmark has **sector-specific rules** on data protection in several areas such as healthcare, credit reference bureaux, and national identification numbers.

Internet Governance/Net Neutrality

EU: Italian politician calls for business involvement in multi-stakeholder model

- Speaking at an Internet governance conference in Rome on 21 July, **Italian under Secretary for Foreign Affairs**, Benedetto Della Vedova called for a comprehensive and global enhancement of Internet governance. In particular, he emphasised the **multi-stakeholder model**, which should include **private actors, business and civil society**. He also called for the introduction in the ICANN protocols on procedures and policies for human rights and fundamental freedoms.
- In addition, Della Vedova made remarks about **net neutrality** stating that preserving the right of everyone to access the Internet at its most extreme approach risks strongly discouraging investments in this sector.

Copyright

EU: Commission publishes report on responses to copyright consultation

- On 23 July, the **European Commission** published a report on **the responses to its public consultation on the review of the EU copyright rules**, which closed in March. This covered a broad range of copyright issues such as harmonisation, limitations and exceptions to copyright in the digital age and fragmentation of the EU copyright market. The Commission received more than 9,500 replies to the consultation document, of which the majority (5,622) came from end users/consumers.
- Notably, the report says that **end users/consumers ‘are not in favour of any active involvement of ISPs in the detection and enforcement of IPR that would require the application of filtering technologies’**.
- This same group also expressed concerns about the balance between copyright and their fundamental rights, commonly citing ‘protection of privacy and problems in one particular Member State relating to the large-scale divulgence by ISPs of identities of their clients on the basis of their IP address’.
- However, respondents under the categories **authors/performers, collecting societies and publishers/producers/ broadcasters** said that there should be a **stronger role for ISPs in tackling copyright infringements**.

General

Germany: Government to discuss Digital Agenda plans

- German media have been discussing leaked copies of the government’s draft **Digital Agenda** for the period 2014-2017. IT news website netzpolitik.org has published it in full, although in a related commentary it notes a lack of detail in many proposals.
- The draft states the following:
 - ‘We will legally enshrine the guarantee of **net neutrality** as a regulatory goal, preferably at European level.’
 - On **data protection**, it calls for a balance between personal rights of citizens and enabling the digitalisation of society and the economy. At European level, it calls for the adoption of the Data Protection Regulation in the next year; globally, the government will play a leading role against misuse of personal data, including the formation of a working group for the 2015 G7 summit.
 - On **cybersecurity**, it commits to a range of measures such as strengthening the Federal Office for IT Security and National Cyber Defence Centre.

- On **Internet governance**, it commits to ‘the further development of the so-called Sao Paulo process for the creation of universal Internet principles. At European level we will harmonise our position on Internet governance questions with our partners. At the same time we intend to use the German G7 Presidency in 2015 for the consideration of Internet Governance questions and to support the multi-stakeholder process at global level.’
- The Cabinet is due to discuss the Digital Agenda on 20 August.
- Ahead of this, **Economy Minister Sigmar Gabriel** met with the President of German IT trade association on 21 July to discuss the Digital Agenda and the government-led IT Summit, which will take place in Hamburg on 21 October. Gabriel stressed that the digitalisation of the economy must also involve Germany’s traditional manufacturing industries.

EU: New Director in DG CNECT

The European Commission has announced the appointment of **Anthony Whelan as the Director of Electronic Communications Networks and Services** in DG Communications Networks, Content and Technology (DG CNECT). He will take office on 1 August.

EU: Digital economy chapter in TTIP?

EU and U.S. negotiators of **the Transatlantic Trade and Investment Partnership (TTIP)** have discussed whether to devote a chapter of the agreement to the **digital economy**, according to a press report. However, this would not cover controversial political issues such as **data protection** and **data flows**.