

ISOC European Regional Bureau Newsletter

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Data Protection

EU: EU data protection regulators set out questions for search engines

- The **Article 29 Working Party (29 WP)** has published a [press release](#) on its meeting on 24 July with search engines Google, Microsoft and Yahoo, where they discussed the consequences of the recent Court of Justice ruling on the **right to be forgotten**.
- The 29 WP has issued the search engines with a series of **26 questions** asking, for example:
 - How long it takes search engines to process a request
 - Whether they keep a database listing every instance of content being removed from search lists
 - How search engines have assessed and responded to requests to remove content
 - Whether doing so would apply merely to EU search results or to all search results globally.
- In particular, the data protection authorities were interested in **Google's practice** of notifying media organisations when it removes their articles from its search results. Several news outlets, including *The Guardian*, the BBC and *The Wall Street Journal*, have complained about their content being removed.
- The 29 WP might organise **additional meetings** with the search engines. It is also expected that the working group will publish **guidelines** in September on how the EU law should be implemented.
- Google received more than **70,000 requests** to remove personal data from individuals across Europe in the 17 days since the judgment.

UK Parliament Committee calls to remove 'right to be forgotten' from Data Protection Regulation

- **The UK Parliament's EU Committee** has published a [report](#) in which it says that recent ruling on the **right to be forgotten** by the Court of Justice of the EU is wrong in practice and therefore should be removed from the proposed **Data Protection Regulation**. According to Usha Prashar, the Chair of the House of Lords Home Affairs, Health and Education Subcommittee, the ruling does not reflect the current information environment.
- The report opposes the ruling for two reasons: it does not take into consideration the impact on smaller search engines with scarce resources to process removal requests; and it is inappropriate to leave search engines the responsibility of deciding whether to delete information. The report concludes that the proposed Regulation should not be define search engines as **data controllers** or **owners of the information**.
- In response to the report, **EU Commissioner for Justice Martine Reicherts** argued that the ongoing EU data protection reform is aimed at finding a **right balance** by empowering EU citizens to manage their personal data while protecting the fundamental freedoms.

Cybersecurity

Germany: Government considers mandatory reporting of cyberattacks

- A press report has given further details of the **cybersecurity** element of the German government's forthcoming **Digital Agenda** for the period 2014-2017.
- Around 64,000 cyberattacks on German companies were reported to the police last year, and many more were not reported. IT trade association **BITKOM** estimates that the IT systems of one in three companies was attacked in 2012 and 2013.
- According to the proposal, companies in key infrastructure industries, including IT/telecoms, would be obliged to report any cyberattacks to the Federal Institute for IT Security (BSI). BITKOM has called for greater definition of which IT/telecoms companies would be covered by this.
- There is some controversy about the impact of such reporting on a company's reputation: BITKOM, the German Chambers of Commerce (DIHK) and the employers' organisation BDI have all expressed concern and called for modifications such as allowing anonymity of the reporting company.
- Another proposal is to set **minimum IT security standards** for companies. BITKOM also wants this to apply to government.
- Interior Minister Thomas de Maiziere has stressed nonetheless that the proposal will be subject to a broad consultation process.

Cloud computing

EU: Commission reveals responses to cloud computing survey

- On 30 July, the European Commission published a report that summarises the responses received to the survey it conducted this spring on **the Trusted Cloud Europe (TCE)** that evaluated the key ideas on how cloud services can contribute to digital economy.
- The survey attracted **283 responses**, of which over **two-thirds** agreed on giving non-European companies access to the EU cloud market on equal terms and that the same companies should respect the most successful practices identified by steering board, such as functional requirements for data type and data usage. However, **47 respondents** disagreed with both principles, favouring protectionism when it comes to competition.
- Regarding **future EU policy** for cloud computing, respondents were cautious about unnecessary restrictions for providers. In addition, most of respondents were in favour of a practical approach to protect data in the cloud, and some of them stressed a **technology-oriented approach** involving strong encryption, identification and authentication.
- Before making a proposal on Europe's cloud industry, the European Commission would have to discuss with the Member States, the European Parliament, cloud service providers, technology organisations and users associations.

Copyright

UK: New copyright law allows new copying exceptions

- On 29 July, the House of Lords approved a **new law on copyright**, the result of the so-called **Google review**, which will come into force from **1 October**. The law introduces copying exceptions allowing consumers to make digital copies of their music and other content freely. The exceptions remove the right of owners to demand compensation or prevent unauthorised use in private copying, parody and quotation.
- The Parliament oversight committee, the Joint Statutory Instruments Committee, criticised the new exceptions, saying that the new law overrules private contracts and the government might be powerless to make such sweeping changes via a Statutory Instrument.

- Responding to the critics the minister responsible for copyright, Baroness Neville-Rolfe, said that the reform aims to ensure **greater freedom** for people to use creative content without threaten copyright's important role in supporting creators and creative industries.

UK: ISPs involved in anti-piracy campaign

- As a part of a larger scheme that aims to educate citizens about copyright and legal ways of using digital content, the UK government has introduced a **warning system** that will send people, who persistently pirate music and movies, emails, warning them about their illegal actions.
- The warning system, **the Voluntary Copyright Alert Programme (Vcap)**, is a result of four years of debates between **ISPs** and the music and film industries as part of the enforcement regime under the 2010 Digital Economy Act. **The UK's four biggest ISPs** – BT, TalkTalk, Virgin and Sky – have signed up to the warning system, and it is expected that smaller ISPs will follow later.
- The campaign will start next year and will send up to **four warnings annually** to households suspected of copyright infringement. However, ignoring the warnings will not be followed by any further action. In addition, the UK government will contribute £3.5m to an **education campaign** that aims to promote legal ways to listen to music and watch movies.

General

EU: Presidency trio set out digital programme

- On 25 July, **Italy, Latvia and Luxembourg** published a joint statement outlining their focus on **digital innovation** as an opportunity for growth and employment during their successive EU Council Presidencies (July 2014-December 2015). They will aim at putting together a common position on **the Connected Continent legislative package** and on the **Cybersecurity Directive**.
- In addition the Italian Presidency announced that it will lay the foundation for Europe to speak with one voice on **Internet governance**.