

# ISOC European Regional Bureau Newsletter

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## Data protection

### EU: Distorted debates on the right to be forgotten undermine data protection reform

- **EU Justice Commissioner Reicherts** delivered a **speech** on the proposed **data protection reform** and the **right to be forgotten** in which she criticised Google and other web companies, stating that the recent right to be forgotten ruling is being distorted and used to undermine the EU data protection reform efforts.
- Reicherts underlined that those attempts would not prevent the EU from opening the digital single market and from establishing a stronger data protection framework.
- Recalling the applicability of the ruling, Reicherts stated that the affected companies which complain loudly should remember that while handling users' data brings economic benefits, it also requires responsibility with regards to their handling. The **value of EU citizens' data was €315 billion** in 2011, with the potential to grow to nearly €1 trillion by 2020, she said. Also, the proposed reform will specifically **address the gap in data protection obligations** between Europe-based companies and third country providers operating in the EU, she added.
- Overall, the reform would **rebuild citizen's trust** in the Internet that has suffered from, among others, spying revelations. According to recent figures, 92% of Europeans are concerned with regards to mobile apps collecting their data without consent. Reicherts recalled that **privacy by default** and **privacy by design**, which would ensure that data protection safeguards are built into products and services from the earliest stage of their development, are part of the proposed reform.
- The Commissioner urged the **Member States to deliver on their promise to swiftly conclude negotiations** on the proposed overhaul. At the June European Council, the leaders confirmed adopting a strong data protection framework by 2015.

### EU: Update on data protection

- **German Ministry of Justice** submitted a draft bill aimed at protecting consumers against data breaches. The proposal **empowers consumer organisations**, enabling them to prosecute data-protection breaches beyond the provisions included in general terms and conditions, and to seek court injunctions against companies. The federation of consumer organizations of Germany, the **VZBV**, has welcomed a draft law saying that the right for consumer organisations to file court actions needed to be adjusted to the **digital age**.
- The Vienna Regional Court **ruled** that in a class action suit against Facebook, the **company must respond to the privacy complaints** against it within four weeks. Should Facebook not respond in the given period, the court can rule without it. According to the group that filed the complaint, major Internet companies do not respect the EU fundamental right to privacy and data protection.

# Cybersecurity

## Germany: Interior Ministry proposes tougher cybersecurity law

- On 19 August, **Thomas de Maiziere**, German Federal Interior Minister submitted a **draft cybersecurity legislation** that would introduce **more stringent cybersecurity requirements** to protect the country's critical infrastructure. The proposal was designed to ensure the **security of IT systems**, general protection of citizens and **make German IT infrastructure the safest** in the world.
- According to the draft, the **new requirements** would apply to telecommunications, energy, traffic, transport, health, water, food supply, finance and insurance companies and agencies.
- The proposal requires a company running critical infrastructure to **report hacker attacks** to the Federal Office for Informational Security, handling cybersecurity threats. The investigative power of the federal criminal police in relation to cybercrime would be extended.
- Minister De Maiziere stated that the **legislation would not represent an important administrative cost** for the companies, underlining that the bill was drafted in collaboration with industry.
- Other federal departments have been asked to **study the proposal**, which will then be made available for **broad public debate**.

# General

## Germany: Government adopts Digital Agenda 2014-2017

- On 20 August, the German government passed a bill on **Digital Agenda 2014-2017**, designed to help the country become a worldwide leader in high-speed data lines expansion, Internet security and cyber-entrepreneurship. Information technology plays an increasingly important role in EU's biggest economy, as it has overtaken the automotive industry in economic significance indicators.
- The plan proposes for the country to have **fast Internet services ensured nationwide by 2018**. It also wants to **increase the annual number of newly established IT firms**. Currently, there are some 10,000 IT firms established every year. The plan would like to see 15,000 new firms a year. Cybersecurity is another target of the agenda that will also be supported by a recently tabled draft law (19 August).
- The **National IT Summit**, which is the central platform for the cooperation of policymakers, economists and scientists to reinforce Germany's ICT, should play a key role in the Digital Agenda implementation that will also involve the Parliament, regions, municipalities, together with business and academia. The agenda will be developed further, with cooperation with social partners, data protection authorities and cyber community representatives. The **first implementation results** are expected to be presented on **21 October**, at the Hamburg IT Summit.
- It was noted that the ambitious plan does not provide details on the expansion project funding. **German Minister of Economic Affairs Sigmar Gabriel** admitted that the document does not provide all the answers.

## EU: Study invites the EU to embrace telecom disruption

- According to a group of experts, whose findings will feed into the **Future Internet Public-Private Partnership** that aligns the EU's political goals with those of emerging businesses, the **EU should not regulate web operators** of the likes of Google and Facebook, **but prepare for a shift** facing the **telecom industry** that will see its traditional services move to **over-the-top (OTT) services**.
- It was argued that as the traditional telecom services, such as phone calls, move to OTT platforms, there could be a **split in roles between the current Network and Service Providers**. However, according to the experts, the trend has gained little attention from large telecom providers that continue to integrate infrastructure and services into a single business, and could keep OTT services from entering networks that are mainly controlled by **phone monopolies**.

- In addition, the experts criticized that EU policies on the Future Internet Public-Private Partnership have **paid too much attention to technological innovation** and **too little to how the technology is used**, and the initiative has been mainly driven by large companies.
- The experts warned the European Commission against new regulations on successful Internet operators, calling for **support to new ones**.

## Copyright

### EU: National copyright law might urge EU to act

- The **European Commission** has been looking into a new EU copyright legislation for the past **five years**, and has been criticised by many stakeholders for **delaying EU-wide proposals**. It was argued that as **new national legislation** on copyright gathers momentum in different Member States, the European Commission might be forced to take concrete action.
- For example, in **Germany** and **Spain** new rules allow news publishers to seek remuneration when content aggregators and search engines index their news articles online. In other EU Member States national regulators have focused on **intellectual property right issues**. Recently, **Italy** adopted a new procedure that allows copyright holders to complain against online infringements of their work, and the regulator to require the website to remove the content. In addition the Italian data protection authority can force ISPs to block access to an entire website in cases where the server is located outside the country and cannot be identified. In **Spain** the national regulator is allowed to request the takedown of copyright infringing web pages and to oblige online payment and advertising intermediaries to cooperate with it.
- In a **letter** sent to the President-elect of the European Commission **Jean-Claude Juncker**, **associations of cultural and creative sectors** expressed their commitment to contribute to the **creation of digital single market**, stressing the importance of new players such as Spotify and Deezer, and urged EU policy makers to strengthen the **copyright framework**. The reviewed framework should ensure contractual freedom and an adequate reward for European innovators, creators and producers.