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Data protection

EU: Data Protection Regulation will ensure that users regain control over their personal data

- **Speaking** at the **5th Annual Data Protection & Privacy Conference** that took place in Brussels on 9 December, EU Justice Commissioner **Věra Jourová** underlined that data protection is an essential part of the Commission's digital single market project. The aim of the Commission is for **people to regain control over their personal data**.
- The Commissioner said that the proposed Data Protection Regulation will **create a level playing field** for Europe's digital industry, as companies located in third countries will have to abide by EU rules and adhere to the same levels of data protection when offering services to Europeans as the EU companies.
- With regards to the **right to be forgotten**, the Commissioner underlined the limitations of the ruling, stating that it does not give users the right to have inconvenient content removed. A **balance** between the legitimate interests of Internet users and citizens' fundamental rights will have to be found in each case.
- Commissioner Jourová highlighted that the right to data protection will be upheld in EU's external relations. Ensuring that the **safe harbour agreement** provides the necessary protection is among the Commissioner's priorities, while the suspension of the arrangement remains an option on the table.

EU: Data protection authorities co-sign declaration on digital privacy values

- The **Article 29 Working Party**, the assembly of EU national data protection authorities (DPAs), published a **common statement**. The DPAs underlined their commitment to the value of privacy and outlined their vision of the EU as a protector of privacy both domestically and globally.
- According to the regulators, **privacy is a fundamental right**. But, it can only function when the legal framework is respected by public and private actors.
- The assembly declared **mass and unconditional collection of personal data** (even for reasons of national security) **unacceptable** and incompatible with EU treaties, and asked for guarantees and an independent and effective control of any treatment of personal data in the framework of surveillance activities.
- Furthermore, the regulators denied any right of foreign states to access personal data of EU citizens, irrespective of its storage location, unless explicit authorisation is provided by a competent authority. The DPAs identified **data storage within the EU as an effective solution** to protect its citizens' data.

EU: France supports strong EU data protection framework

- Speaking at the **European Data Governance Forum** that took place in Paris on 8 December, **French Prime Minister Manuel Valls** underlined that **France supports a strong EU data protection framework**.
- Making reference to US companies, Valls stated that Europeans need to make sure to have the tools to

maintain a balance of power, adding that personal data-harvesting and exploitation cannot be left to develop without rules.

- Prime Minister Valls said that strong **data protection could make Europe an attractive place** for people to store their data, thus creating **new opportunities for EU companies**.
- **Isabelle Falque-Pierrotin**, head of CNIL and Chairwoman of the Article 29 Working Party stated that as **Europeans feel they are losing control over their data**, it is crucial for the EU to speak with one voice.

EU: Italy's Justice Counsellor calls on the Commission to propose new data retention bill

- **Luca De Matteis**, Justice Counsellor in Italy's Permanent Representation to the EU, told the 5th Annual European Data Protection & Privacy Conference, that the Commission should **propose a new data retention law**.
- De Matteis underlined that companies should not be put at a competitive advantage or disadvantage when they face different national data retention rules on storing information on electronic communication for national security purposes. The **EU data retention Directive was annulled** by the European Court of Justice in April.
- The ruling prompted governments to review their implementation of the law. This could mean that the 28-state union could wind up with **uncoordinated, diverging approaches**. For example, the UK has already adopted emergency legislation on data retention.
- De Matteis reiterated that data retention rules that define whether controllers should retain data, under what conditions and with what safeguards should not substantially differ from one Member State to another.
- The **Commission has yet to decide** whether to propose a new bill.

EU: MEPs question restrictions to access information on EU-US data talks

- Criticising the limitations to **public scrutiny on data talks with the USA**, MEP **Cornelia Ernst** (GUE/NGL, Germany) stated that she will **prepare an action** before the European Court of Justice against the European Commission for restricting access to information on EU-US data talks.
- **Last week**, MEPs Ernst and **Sophie In't Veld** (ALDE, the Netherlands) argued **in favour of suspending the so-called in-camera session** (a session which is not open to the public), but were outvoted by centre-left and centre-right members of the Parliament's Civil Liberties Committee who voted in favour of keeping the meeting secret.

Cybersecurity

EU: Internet industry opposes its inclusion within the scope of the NIS Directive

- As Member States debate whether to include **Internet companies** within the **scope of the proposed Network and Information Security Directive**, representatives of the digital economy voiced concerns over the **budgetary implications** of such a move. Among the Member States, especially **Germany** and **France** have been pushing to include cloud providers, social networks, search engines and e-commerce platforms.
- **James Waterworth**, Vice-President for Europe of the Computer and Communications Industry Association, stated that while important, **online services cannot be considered critical**. Waterworth underlined that the Directive should focus solely on critical infrastructure.
- The industry also warned that if Member States have the flexibility to pick the entities that should fall within the Directive's scope, security standards across the EU could be fragmented.

Child Safety Online

EU: Commissioner Jourová has trust in self-regulation

- In her **answer** to MEP Marlene Mizzi's (S&D, Malta) **question** on children's rights protection in the digital world, **EU Justice Commissioner Jourová** underlined the positive role played by self-regulation and the **CEO Coalition**, and recalled that self-regulation, awareness-raising, training and education are integral part of the **European Strategy for a Better Internet for Children**.
- The Commissioner added that the **protection will be further strengthened**, as the proposed Data Protection Regulation contains **specific provisions on the protection of children's personal data**, i.e. when directly offered services online.

Net neutrality

EU: Enshrining net neutrality into law is fundamental for the growth of EU digital market

- The **concept of net neutrality is clear**, stated **MEP Marietje Schaake** (ALDE, the Netherlands), underlining that **enshrining net neutrality into law is fundamental** for growth and competition in the Digital Single Market.
- Commenting on the telecom industry's opposition to net neutrality, MEP Schaake stated that governments should not protect one business model over another. Thus, legislation will ensure that **incumbents with specific interests** in a system that is becoming outdated do not hamper innovation and the development of the EU digital market.
- With regards to the draft Connected Continent package, MEP Schaake said that the **Council has been delaying work** and watering down the provisions adopted by the European Parliament. Despite its importance, the completion of talks on the **telecoms package is not being prioritised** by the Council, Schaake concluded.
- Commission Vice-President in charge of the Digital Single Market **Andrus Ansip stated** that access to **quality services on the Internet** should be a universal right. According to the Vice-President, national approaches to net neutrality could further divide the EU market.

Open Internet

Russia: State's grip on Internet tightens further

- Commenting on the **growing pressure Roskomnadzor** (agency which supervises communications) deploys to take control of the Russian Internet space, Andrei Soldatov, an investigative journalist, stated that the government's long-term aim is to force US companies to move their online operations into Russia.
- Earlier this year, the State Duma passed a law requiring companies to use servers located on the Russian territory when storing data from local users. This could potentially lead to foreign Internet companies leaving the Russian market. Reportedly, Google already has plans to **shut down its Russian engineering unit**.
- In the past few weeks, **Russia warned it would block access** to BuzzFeed, Vimeo, and GitHub, as the platforms were containing information or links breaching the provisions of the Russian law.
- The legislature of North Ossetia submitted a **bill** that would make out-of-court decisions to block websites applicable to any Internet resource. The proposed amendments to the **law on Information**, which lists the prohibited domain names and sites, would be complemented with resources containing extremist content and also material inciting racial, ethnic and religious hatred or hostility towards any social group.

Cloud computing

EU: Cloud computing market uptake hampered by the lack of knowledge and data breach concerns

- According to **data** by the EU statistical office, the **lack of knowledge** about cloud computing is **hampering the market uptake** of the service.
- While 97% of EU enterprises employing 10 people or more have access to the Internet, **cloud computing services are used by only 19%** of them. In Finland, over 50% of enterprises use the cloud.
- As for the enterprises using cloud computing, the **risk of security breach** is the most often identified factor limiting further usage of the services. The **uncertainty about applicable law** and the **location of data** completed the top 3 of the factors limiting large enterprises from using the cloud.

Copyright

EU: Spanish copyright law forces Google to shut down its local news aggregator

- **Google** announced that it will **shut down its Spanish news aggregator** (Google News Spain), as a **new copyright law** would force it to pay for displaying links and material from Spanish publishers. The law comes into force on 1 January 2015.
- Google's move has been interpreted as a toughening of stance, given that the company faces several legal and political challenges in the EU.
- Although some Spanish publishers expressed their satisfaction with the adoption of the law, the full impact on the traffic on publishers' websites cannot be foreseen.

General

Global: Council of Europe issues report on Internet rule of law

- Nils Muižnieks, Commissioner for Human Rights of the **Council of Europe**, issued a **report** on the rule of **law on the Internet**. The report touched upon a **wide range of digital issues**, among which **mass data collection and retention**, online activity of national security bodies (especially that of the NSA) and agreements between governments and private actors limiting access to certain types of content online.
- The **Commissioner's recommendations** focus on making sure that any activity of a national security agency or any deal between a government and an ISP with regards to blocking of content online are based on stable and transparent legal frameworks and human rights. The same should apply to cross-border exchange of data.
- Commissioner Muižnieks believes that the **United States have great powers on the infrastructure** on which the Internet is based; he thus warned that if its government does not abide by these rules, further moves by other states to **truncate the Internet** and protect activity within their borders would be inevitable.