

ISOC European Regional Bureau Newsletter

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Data protection

EU: EDPS publishes recommendations on data protection reform

- On 27 July, **Giovanni Buttarelli**, the European Data Protection Supervisor (EDPS), published his **recommendations** to the EU co-legislators negotiating the General Data Protection Regulation. Underlining that **improvements are still feasible**, Buttarelli **said** that his recommendations aim to **support the co-legislators to get a better deal for the individuals**, to make safeguards more effective in practice and enable them to benefit from technological innovation.
- While the Council suggested that data can be processed for other purposes than the ones users first agreed to, the EDPS stressed that globally, **purpose limitation is one of the data protection pillars**, therefore it should not be minimised or altered.
- The EDPS advised EU lawmakers to **impose strict fines** on businesses violating data protection rules. Buttarelli said that in a number of very serious cases, a **sanction equalling 5%** of a company's global revenue would be appropriate. This stance appears in line with the Parliament. The Council, as well as the Commission, advocated for a maximum fine of 2% of global revenue or €1 million, whichever is higher. Some industry representatives, including IBM's Vice President for Government Affairs in Europe **Liam Benham**, **warned** that **regulation should encourage rather than discourage data-driven innovation** in Europe.
- The Supervisor supported Council's position on a **three-day window for companies to notify regulators of data breaches**, rather than the 24 hours favoured by the other institutions.
- Overall, Buttarelli warned that some of the details contained in the different versions will prove inflexible in practice or open to future technological changes. Especially, the development of the Internet of things should be considered.
- The Supervisor's office also **launched a mobile app** allowing an easier comparison of the latest texts from the Commission, the Parliament and the Council.

EU: Google dismisses call to implement right to be forgotten worldwide

- In a **blog post** published on 30 July, **Peter Fleischer**, **Google's global privacy counsel**, stated that while the **right to be forgotten** may now be the law in Europe, **it is not the law globally**.
- Earlier this summer, the **French data protection watchdog CNIL** sent a formal note to Google requesting the company to delist links from all the global versions of Google Search. According to Fleischer, this development risks to have a **negative impact on the Internet**.
- The counsel wrote that while some content is declared illegal in one country, it is deemed legal in others (e.g. Turkey criminalises some speech critical of Atatürk). Implementing the CNIL's standard globally would **result in the Internet being as free as the world's least free place**, Fleischer argued, adding that **no one country should have the authority to control** what content users in a second country can access.
- Reiterating its commitment to work with EU regulators, **Google called on CNIL to withdraw its formal**

notice. In an email statement, CNIL **said** that it will look at Google's arguments.

EU: Commission assures it monitors data retention legislation across Member States

- In a **response** to a **letter** sent by **EDRI**, in which the advocacy group presented its analysis of data retention rules concluding that in **at least six Member States appear to be in contravention to the Charter of Fundamental Rights**, the Commission stated it will continue monitoring legislation developments at national level. This stems from the Commission's Communication of 28 April 2015 on the European Agenda on Security.
- The Commission stated that the **analysis provided by EDRI will assist** it in building a picture of the situation in the Member States.

UK: Campaign seeks to promote right to be forgotten for young people

- A campaign called **iRights** which aims to **promote the right for young people to edit or delete content** they have created online has been launched. The UK Minister for Internet Safety and Security Baroness Shields has backed the move. Shields commented that iRights gives a unique insight into how government can join with technology companies, civil society and business to make a better digital world for young people.
- Together with supporting children's right to be forgotten, the campaign states that young people have a right to **digital literacy** and should be informed about how their data could be used.
- Later this year, the Children's Commissioner for England will publish a report examining the issues.

Internet governance/Global

Italy: Declaration of Internet Rights presented

- On 28 July, the **Italian Parliament presented a Declaration of Internet Rights** prepared by a commission headed by former politician and jurist Stefano Rodotà. While the charter is not legally enforceable, it is designed to **provide general principles for the country and internationally**. Laura Boldrini, the speaker of the Parliament's lower house **said** that it is the first time a parliament produces a declaration on Internet rights of constitutional inspiration and international scope. The Parliament is expected to pass a motion which would call on the government to promote the document in national and international forums.
- The Declaration calls **Internet access a fundamental right** and a condition for full individual and social development, urging public authorities to promote equal Internet opportunities.
- In order to guarantee civil and political liberties, the Declaration authorises **anonymous use of the Internet**. Limitations of this right must be proportionate, justified by an important public interest and founded on the law.
- With regards to the **right to be forgotten**, the document supports the individual's right to seek the cancellation from search engines of erroneous or outdated information.
- The document that says that everyone has the right to national and international recognition of their rights will be **presented at the next Internet Governance Forum** in Brazil in November.

Net neutrality

EU: Open Internet for all, writes Commissioner Oettinger

- **EU Commissioner for the Digital Economy and Society Oettinger** published a **blog post** in which he **reiterated the main principles of net neutrality** in the EU. He explained that the upcoming provisions will guarantee that Europeans have access to the online content and services they wish without any discrimination or interference. The provisions will **rule out discriminatory data flows**, ensure that there will be **no slower Internet for certain users** and will **grant more rights to users** while creating opportunities for innovators, Oettinger wrote.

- The Commissioner stressed that Internet providers will no longer get to decide who will access which content, since **blocking or throttling of data will not be permitted**. There will only be three exceptions to this rule for providers: 1) compliance with Union or national legislation related to the lawfulness of content or with criminal law; 2) preservation of the security and integrity of the network; 3) measures taken against temporary or exceptional congestions on the network.
- Thanks to the new legislation, users will be better informed and will be able to more easily stop their contacts if the speed that was agreed on is not actually delivered, the Commissioner added.

Cybersecurity

EU: ENISA publishes its 2014 Annual Activity Report

- On 28 July, the **European Network and Information Security Agency (ENISA)** published its **Annual Activity Report for 2014** which provides insights into the agency's operations and programmes. Last year, ENISA released 37 reports on various subjects shaping the European cybersecurity framework.
- The agency participated in EU policy building and legislation implementation, by providing for example insights on root causes of major incidents and supporting the EU's cloud computing strategy and partnership.
- **Commissioner Oettinger** stated that ENISA's role is decisive in establishing a common approach and understanding in the community to develop cybersecurity capabilities in the Member States.

EU: ENISA lacks experts to cover technological changes

- In an **interview** with EurActiv, **Steve Purser, director of operations at ENISA**, admitted that the **agency's coverage of technological change is minimal**. According to Purser, the Agency does not have any expert in the Internet of things, only limited expertise in clouds and its budget has not changed much in the last ten years. Considering that cybersecurity threats do not recognise national borders, Purser said that there is a **need to invest more in a European approach**.
- For 2015, the European Commission allocated €50 million to cybersecurity research and announced a total of around €500 million on cybersecurity and privacy research until the end of the Horizon 2020 programme.