

ISOC European Regional Bureau Newsletter

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Data protection

Sweden: Data protection regulator and tech industry criticise government on data retention

- **Datainspektionen**, Sweden's data protection authority, and **IT&Telekomföretagen**, an association of Sweden's technology companies, both issued statements this week to **criticise the government's plans to issue a new law on data retention**.
- Taking part in a consultation over a government study on data retention, Datainspektionen **criticised** the government's approach, suggesting it **understated risks for the privacy of citizens**. The regulator also expressed concerns over potential measures which would enable **the police** to decide whether to use data of personal communications **without consulting any other government body**.
- Datainspektionen suggested that the government waits for a **verdict of the Court of Justice** of the EU on EU data retention law before it legislates, a view shared also by **IT&Telekomföretagen**. The **statement** issued by Sweden's tech companies association also warned that Sweden's national rules on data retention are not in line with existing European case law.

Russia: New data localisation law comes into force

- Russia's new data protection law came into force on **1 September**, requiring companies operating online to **save any personal data of Russian citizens within the Russian borders**.
- Uncertainty over the definition of personal data and the scope of the new law have dominated the talks between **Russian authorities and foreign Internet companies**, such as Google, Facebook and Twitter, on how the new provisions are going to be implemented.
- However, **Roskomnadzor**, Russia's Internet regulator **denies** that it targets Internet multinationals. "Transnational Internet giants are not the main object of attention for this law. It's more about the banking sphere, air travel, hotels, mobile operators, e-commerce. This is what is important," according to its **spokesperson, Vadim Ampelonsky**.
- Following statements of **US Internet companies** to the Russian authorities that they have **no immediate plans to create data centres in Russia** and they do not know when they will comply with the new law, the government has **softened** its stance, giving them more time to comply with the new rules.
- Law infringers can be included in Roskomnadzor's **blacklist**, and **fined**. Moreover, Roskomnadzor could ask local Internet providers to **block access** to the infringer's website.

Privacy

EU: Senior Commission officials to focus on the free flow of data following Commission re-shuffle

- The so-called **free flow of data** and its impact on Europe's **industry, innovation and user privacy** will be among the top priorities of DG CNECT's new Director-General, Roberto Viola and President Juncker's new Policy Advisor on Innovation, Robert Madelin.
- Succeeding Robert Madelin in DG CNECT's highest post, **Roberto Viola has identified an industrial**

strategy for EU's digital sector as the next big thing for his Directorate-General. The **free flow of data**, its storage in the cloud and its processing by supercomputers will be key elements of this future strategy.

- **Robert Madelin**, who will have a broader mandate to advise the Commission's president on innovation issues, will produce a **report on innovation in the EU by the summer of 2016**, which will not be made public.
- Madelin however revealed some of his first thoughts in an **interview** on 1 September, focusing particularly on how **big data** can enable the future of EU industry and suggesting a **horizontal, principles-based approach in handling personal data**, not allowing for any exceptions (e.g. on medical data).

World: Survey by privacy regulators shows concerns about children's privacy online

- Many **websites and apps** targeting – among others – **children** are collecting too much personal information and sharing it with third parties, according to a series of national surveys conducted by privacy regulators.
- The **global survey** was published by the **Global Privacy Enforcement Network (GPEN)**, a global forum where national regulators exchange views and best practices on privacy enforcement (see also **statement** by CNIL, the French national authority).
- The results were indeed worrying: from 1,494 websites inspected, **more than 40% caused concern** to the authorities as they collected **more children's' data than necessary**, communicated it to **third parties**, allowed **re-directing to other websites** or lacked effective means of **protection of communications** when it comes to underage users.
- National regulators will now **communicate suggested changes** to the websites in question, as a first means of addressing the situation.

France: NGOs challenge unpublished international surveillance decree

- On **1 September**, French non-profit Internet Service Providers **FDN** and **FDN Federation**, as well as NGO **La Quadrature du Net**, submitted two legal challenges to the French Council of State (**Conseil d'État**) against a 2008 **government decree on international surveillance**.
- Following press revelations that the government had secretly issued rules **enabling the mass tapping of electronic communications** flowing in or out of France, the NGOs are **challenging** the decree's legality and expressing their doubts over whether it contains any **safeguards for human rights** of French and foreign citizens.
- The **French Council of State** issues legal advice to the French government and acts as supreme Court for administrative justice; its decision will be relevant for future French policies in the area, especially as the government has announced it is considering a **new bill on international surveillance**.

EU: European Parliament to adopt report on surveillance in third countries

- On **8 September**, the European Parliament will vote on a draft report on the **impact of EU surveillance systems on human rights in third countries**.
- Prepared by **MEP Marietje Schaake** (Netherlands, ALDE), the report addresses how modern technology created in Europe and exported to third countries can become a weapon in the hands of oppressive regimes, acting against media freedom or opposition.
- In an **interview** with the Parliament's website, Schaake suggests increasing **transparency** in exports and **licensing** of IT products which could lead to increased surveillance of foreign citizens, as well as an enhanced use of **encryption** technologies to protect privacy.
- This **runs against** statements made by **governments** globally (including France and the UK) asking private companies to hand in the keys to their encrypted software to intelligence services in order to facilitate the fight against terrorism.

- The latest of a series of such incidents led to the **incarceration of two British journalists by Turkish authorities** for allegedly cooperating with Islamic State (ISIL) militants close to the country's borders with Syria.
- The allegations are based on the fact that **journalists used encrypted software** for their communications similar to the one used by ISIL.

Cybersecurity

Germany: Internet industry calls for more investment in security of connected devices

- The Internet of Things (IoT) has a great potential for growth, according to **Eco**, the **Association of German Internet Industry**, ahead of its 5th Internet Security Days which will take place on 16-17 September in Bruehl.
- However the expansion of the IoT will be limited if **users' concerns over security of connected devices** are not taken into account by the industry, according to the association.
- Studies and surveys cited by Eco suggest that one third of German citizens are afraid of **'losing control'** over a connected device, while two-thirds express concerns with relation to **privacy and the IoT**.
- **Higher device security, clear rules on how personal data is used and stronger encryption of data transmitted between devices** are three key areas where the industry should invest and seek improvement, according to Eco.

Copyright

EU: Online intermediaries might have more responsibility for illegal content, Oettinger says

- In an **answer** to a **question** by MEP **Marc Tarabella** (Belgium, S&D) on how to make the notice and action procedure more effective, EU Commissioner for the Digital Economy and Society **Günther Oettinger** stated that the **European Commission might review legislation for online intermediaries**, which **could lead to technology companies assuming greater responsibility** for removing illegal content online.
- The Commissioner did not suggest that existing rules are defective; he however **did not rule out any possibilities** when it comes to the review of legislation related to the responsibility of telecoms operators, Internet hosts and online platforms for **hate speech, violence, child pornography or copyright-infringing content** hosted by them.
- Before taking any decisions, **the Commission intends to consult with stakeholders** on the liability of intermediaries, as well as on the broader role of online platforms in EU's economy.

General

France: Internet tax for audiovisual content is possible according to Culture Minister

- **Fleur Pellerin**, French Minister for Culture and Communications **said** on **2 September** that the government is considering **extending a tax on consumers of television services to Internet consumers**.
- According to the minister, a large part of modern **audiovisual content is accessed through the Internet** and such a tax would **expand the national tax base and make it more equitable**.
- To make this happen, Pellerin might have to convince French Secretary of State for the Digital Economy **Axelle Lemaire**, who expressed her **doubts about the effectiveness** of the measure in increasing revenues and her fear that it would **exclude the young and other vulnerable Internet users**.