

ISOC European Regional Bureau Newsletter

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Data protection

EU: Safe Harbour decision could have a domino effect on data transfers

- The decision of the Court of Justice of the European Union to invalidate the Safe Harbour agreement with the US could have a **domino effect on other data transfer deals** and could also **affect transfers within the EU**. **Günther Oettinger**, Commissioner for the Digital Economy and Society stated that the Commission has to **assess whether changes in data transfer agreements are needed**. He also questioned the **level of data protection within the EU**, pointing to the differences in data protection standards across the EU.
- Media reports argued that **France and the UK have mass surveillance programmes** similar to the US. During a speech at the opening of the ICT 2015 conference in Lisbon, Vice-Chair of the European Parliament's Industry and Research Committee **MEP Hans-Olaf Henkel** (ECR, Germany) singled out France as an EU country with a problematic data protection regime.
- Currently, the EU has **11 data transfer agreements with third countries** whose level of data protection were determined as adequate by the European Commission. Canada, Israel and Argentina are among those countries.

EU: Data protection watchdogs say US and EU have until end of January to reach privacy deal

- **National data protection authorities** (DPAs) of EU Member States concluded that the EU and US authorities should be given until the end of **January 2016 to find a new solution for transatlantic data transfers** following the invalidation of the Safe Harbour agreement. If no appropriate solution is found by then, DPAs are committed to **take all necessary and appropriate actions**, which may include coordinated enforcement actions in suspected breaches of EU privacy law.
- Considering that the EU privacy law is enforced in each Member State by independent regulators, DPAs underlined that there is an essential **need for collective and common approach to the implementation** of the Safe Harbour judgment.

EU: Stakeholder reactions to Safe Harbour invalidation

- Speaking at an event on Safe Harbour which took place in the European Parliament on 21 October, Austrian data protection activist **Max Schrems** voiced his **doubts** about the possibilities of establishing a **viable new Safe Harbour**. Even if agreement is found, it is very likely that the new framework will be challenged in the court again, Schrems stated.
- **Jessica Rich**, director of the Bureau of Consumer Protection at the **US Federal Trade Commission** (FTC) that oversaw the Safe Harbour, stated that **EU national data protection watchdogs did little to help restrain violations** under the agreement. European watchdogs were supposed to alert FTC of any possible violations under the Safe Harbour, Rich added.
- **US Commerce Secretary Penny Pritzker** deplored the fact that at this point the **European Commission does not seem to share as much urgency as the US to address the post-Safe**

Harbour situation. According to Pritzker, the new Safe Harbour framework that the partners have been negotiating addresses the points raised by the Court decision.

Open Internet

Turkey: ISPs allegedly forced to limit access to certain sites

- According to local users of Twitter and Facebook, in the first half of October, the **traffic** on the sites was slowed down to an extent which made them **practically inaccessible**. It was reported that next to website blocking, **Turkish Internet Service Providers (ISPs)** have recently been **forced to implement more creative methods for limiting access** to certain sites.
- There are currently **over 100 000 websites** officially blocked in the country.

Germany: Prosecutor reviews complaint against Facebook's handling of hate speech

- The office of **Hamburg public prosecutor confirmed** that it is in the process of reviewing all the facts in a complaint against **Facebook's** senior managers who were **accused of not immediately deleting hate messages** posted on the site.
- Last month, **Facebook CEO Mark Zuckerberg** assured German Chancellor Angela Merkel that measures would be taken to combat hate speech on the site. The company has pledged to counter xenophobic and racist content through a **counter speech campaign**.

Security

EU: Internet Forum to counter online extremism will be launched on 2 December

- On 19 October, the European Commission confirmed that a forum bringing together Internet firms and law enforcement agencies to **combat online extremism** will be launched on **2 December**. The EU Internet Forum will seek to address the use of social media by radicals.
- **EU Home Affairs Commissioner Dimitris Avramopoulos** said that all companies the Commission approached are willing to work together. While the names of companies concerned were not made public, last year in October, EU Interior Ministers met with delegates from Google, Facebook, Twitter and Microsoft to enlist them in the fight against online extremism. **Civil society groups will also be involved** in the forum.

EU: LIBE Committee adopts non-binding report on preventing online radicalisation and extremism

- On 19 October, the European Parliament's **Civil Liberties Committee (LIBE)** adopted a **non-binding report on preventing online radicalisation and extremism**. The report said that content that spreads violent extremism via the Internet should be deleted promptly, but in line with fundamental rights and freedom of expression.
- The report highlighted that **Internet companies and service providers have a legal responsibility to cooperate** with Member States' authorities by deleting any illegal content and thus contribute to the prevention of radicalisation via the Internet. The text also said that if a company refuses to cooperate, this should be considered as an **act of complicity** equivalent to criminal intent. Therefore, Member States should **consider taking legal action**, including criminal prosecution against those companies.
- **EDRi** pointed out that neither Internet companies nor Internet platforms are defined in relevant EU law.

Digital Single Market

EU: Think-tank critical of the possibility of online platforms regulation

- A study by **the Information Technology and Innovation Foundation** (ITIF) concluded that online platforms regulation is not needed as platforms that are sometimes considered as Internet gatekeepers **do not pose unique challenges to the existing labour or product market**.
- The analysis argued that European **regulators already have sufficient legal powers** to act against the most likely problems which include **anti-competitive or anti-consumer behaviour**.

Net neutrality

EU: Parliament expected to adopt net neutrality legislation

- The **European Parliament is expected to approve the proposed legislation which will enshrine net neutrality in law** and put an end to mobile roaming surcharges at its plenary session that will take place on 27 October.
- The Parliament's Industry and Research Committee, which has been leading on the dossier, backed the proposal last week by 51 votes in favour and 10 against.