

ISOC European Regional Bureau Newsletter

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Safety

UK: Tech companies raise concerns about proposed UK Investigatory Powers Bill

- In a joint **statement**, Facebook, Google, Microsoft, Twitter and Yahoo have raised concerns with regards to the proposed **Investigatory Powers Bill**. According to the companies, **the proposed bill could threaten citizens' privacy and data security**. The statement is part of the 120 pieces of written evidence which have been submitted to the UK Parliament's Joint Committee on the Draft Bill.
- The **companies stated that they reject proposals** that would require them to deliberately **weaken the security** of their products via backdoors, forced decryption, or other means. Furthermore, they underlined that the UK bill could set a precedent worldwide that may lead other countries, including authoritarian regimes, to implement similar rules. The companies also denounced the **high cost of complying** with the proposed rules, which would require them to keep records of their customers' Internet usage and hand them to law enforcement authorities on request.
- In a separate letter, Apple stated that **stronger rather than weaker encryption is the best way to protect against cyberattacks**.
- In its **submission**, the **Internet Services Providers' Association (ISPA)** stressed that the new legislation needs to fully comply with UK and EU legislation and court judgements, and adequately balance with oversight, transparency and the impact on business.
- **Theresa May**, British Home Secretary, is expected to address some of the concerns voiced by the companies at her scheduled appearance in front of the UK lawmakers next week.
- The ability of **intelligence officials to hack computers to access communications** of terror suspects is among the most controversial provisions of the new bill.

The Netherlands: Government opposes measures weakening encryption

- **The Dutch government**, which since 1st January holds the rotating Presidency of the Council of the European Union released a **Position Paper** in which it criticised legal measures that would prevent the development, availability and use of encryption in the Netherlands.
- The paper explained that **allowing backdoors to encrypted products and software for law enforcement would not increase security** and added that **encryption plays an important role for the competitiveness** of the Dutch economy.
- Since the Paris terrorist attacks, talks whether encrypted products should have backdoors for enforcement agencies to allow tracking of criminals and terrorists multiplied and prompted debates between privacy-rights defenders and **policy-makers seeking to promote tougher security measures**.

Data protection

EU: Latest developments in the field of data protection

- The European Commission has reportedly started its work on **guidelines** for national Data Protection Authorities on **how to apply sanctions for data breaches** contained in the new Data Protection Regulation.
- Discussions on a new framework agreement for **transatlantic data transfers** continue on both political and technical levels. It is not clear whether the 31 January deadline imposed by the Article 29 Working Party (WP) for a new framework to be agreed on will be met. **Isabelle Falque-Pierrotin**, Chair of the WP and of the French data protection watchdog (CNIL) stated that the issue will be discussed at the plenary meeting of the WP which will take place on 2 February.
- The EDPS has issued ***Guidelines on personal data and electronic communications*** in the EU institutions and ***Guidelines on the protection of personal data in mobile devices*** used by European institutions. Even though the guidelines were made for the EU institutions, **Wojciech Wiewiórowski**, Assistant European Data Protection Supervisor, stated that they could be useful for any organisation concerned about complying with EU data protection rules.

EU: EDPS presents 2016 priorities

- The **European Data Protection Supervisor (EDPS)**, **Giovanni Buttarelli** published his **Priorities** for the policy and consultation activities of his office for 2016. The EDPS **stated** that by making the office's priorities public, the relevant Commission services will be able to better identify those initiatives on which the EDPS recommends an informal consultation at an early stage.
- The priority areas are: Completion of the data protection framework, adequate protection in international data transfers, Digital Single Market initiatives, and security and anti-terrorism measures.

Digital

France: Administrative authorities and commissions deliver their opinions on the proposed digital bill

- The independent administrative authorities and commissions (Cada, Arcep, Cnil, ADLC, CNNum) which **submitted their opinions** on the **proposed digital bill** met with the French Secretary of State in charge of digital **Axelle Lemaire**. During the discussion that took place on 18 December, the participants exchanged views and debated the different suggestions submitted to the government.
- **CNNum**, the French Digital Council, welcomed the proposed provisions on data portability, also praised by the French data protection watchdog (**CNIL**). With regards to the provisions on access to digital, **Arcep**, the French telecommunications regulator, stated that the proposal represents an important breakthrough.

France: Government launches *Development and Digital* plan

- **Annick Girardin**, the French Secretary of State in charge of development and **Axelle Lemaire** presented an action plan designed to **promote the development of digital ecosystems in developing countries** called ***Development and Digital***.
- The **plan** will seek to develop initiatives addressing three main issues: **access to an affordable, open, sure and multicultural Internet**; the building of **digital economy**; and the **use of digital to service development objectives**.