

# ISOC European Regional Bureau Newsletter

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## Data protection

### UK: Investigatory Powers Bill

- The House of Commons passed a **bill** on 6 June with the aim of **broadening the scope of surveillance measures**. Amongst the measures approved were the powers to intercept smartphone and computer communications, and obtain personal data in bulk.
- 444 MPs voted in in favour, with 69 voting against. It will now pass to the House of Lords.
- Concerns were raised by members of the Scottish National Party and some Labour MPs on the protection of client-lawyer privilege and on the protection of journalists' sources.

### UK: MI5 bulk collection of communications data lacks regular scrutiny

- Privacy International (PI) claimed MI5's interception of emails and calls were **not subject to adequate scrutiny** by the interception of communications commissioner, the watchdog responsible for overseeing such issues. The claims emerged during legal action between PI and the UK government which is currently being heard at the investigatory powers tribunal (IPT).

### UK: Design of a new centralised data system

- The UK Home Office plans to move millions of personal records to a **centralised database** with the aim of helping police, security services and further government agencies build a more accurate digital profile of the overall population.
- The system is at an early stage of design and faces opposition from politicians, privacy lawyers and campaigners. They call for parliamentary scrutiny in what they consider could expand considerably the surveillance powers of the Home Office. It also remains unclear how the system will comply with the new EU data protection regulations that will be adopted in the coming two years and which foresee large penalties for any breach.

## Privacy

### EU: Privacy shield will wait until 'last minute'

- In an **article** published by Ars Technica, a representative from the Article 31 Committee noted how the EU-US data transfer agreement **still has a long way to go**. The main source of discrepancy still remains the position and powers of the ombudsperson.
- The Commission is working towards incorporating a number of recommendations by the data protection authorities, some of which can only be addressed jointly with the US. Discussions are ongoing and member state experts of Article 31 Working Party are aware of the latest developments.

#### EU: New research suggests a flaw in Europe's privacy rules

- Recent research by computer scientists involving, amongst others, experts from New York University and the Federal University of Minas Gerais in Brazil, suggests the right to be forgotten may **not be as effective** as expected in protecting people's privacy online.
- More than 280 links to British news articles removed by Google from online search results were analysed. Findings question efficiency levels when people's identities can still be found with a few clicks in what is said to undermine the nature of the ruling.

## Cybersecurity

#### EU: Insurance companies see opportunities amidst new EU laws on data protection and cybersecurity

- As both the new General Data Protection Regulation (GDPR) and Network and Information Security (NIS) Directive will require companies to report hacking of their digital networks, insurance companies see the chance to **expand their client portfolio** once the rules come into effect in 2018.

#### Belgium: most hackable nation

- The National Exposure Index drafted by Rapid7 reveals Belgium is the most vulnerable country to hacking attacks.

## Net neutrality

#### EU: BEREC publishes draft guidelines on the implementation of the new net neutrality rules

- The Body of European Regulators for Electronic Communications (BEREC), an umbrella group of national telecom regulators, launched a public consultation on the draft guidelines on the implementation by regulators of new net neutrality rules. Stakeholders will have six weeks to comment as the consultation will close on 18 July.
- The guidelines aim to assist the National Regulatory Authorities (NRAs) to implement their obligations to monitor and ensure compliance with the rules. They will contribute to the consistent application of the net neutrality regulation, thereby contributing to regulatory certainty for stakeholders.
- Initial reactions were mixed; ETNO, the organisation representing Europe's largest telecom operators, noted concerns that it could hinder the implementation of 5G technologies; critics also focussed on the suggestion to enable ISPs to limit the volume of traffic that flows via their networks, potentially slowing down internet speeds,
- European Digital Rights called for guidelines that enable effective traffic management, noting that net neutrality is "crucial for fair competition."

## Copyright

#### EU: towards a uniform copyright system?

- Jean-Marie Cavada MEP (ALDE, FR) is to present a **report** on 13 June on the introduction of a **single EU copyright** title, after 11 copyright experts revived the idea at the assembly this week. National regimes would be replaced and this initiative will not feature in proposals to overhaul the bloc's copyright legislation, expected for September.
- Amongst the most controversial aspects of this initiative is the issue of mandatory registration, which is a prerequisite for patents and trademarks but is not necessary for copyrights.

# Child Safety Online

## EU: Commission Safer Internet programme a success - report

- The Commission issued a report on 6 June on the final evaluation of the **multi-annual EU programme on protecting children using the internet and other communication technologies** (Safer Internet), building on an external study conducted on the basis of surveys and interviews with a range of stakeholders.
- The Commission concluded that the EU programme has met its main targets, citing the effectiveness of EU intervention, the establishment of Safer Internet Centres (SIC) in each Member State, and close cooperations between the various actors involved.
- Going forward, the report recommended retaining the SIC network, continued communication and cooperation and enhanced participation by Member states and industry.

## General

### EU: Eurobarometer surveys on the use of online platforms by consumers and SMEs

- As part of the Commission's comprehensive assessment on online platforms, two surveys were conducted respectively on the use of online platforms by consumers and SMEs. Both surveys contain a chapter on online platforms, and the reliability of the review and rankings systems.
- The first survey addresses consumers and finds that consumers are split on this issue, with 43% thinking that they are reliable while 33% think the opposite..
- The second survey addresses SMEs and also covers the impact review systems have on SME sales.

### EU: New Skills Agenda for Europe

- The European Commission presented on 10 June the New Skills Agenda for Europe with the aim to raise the overall level of skills in the EU, to make a better use of existing skills and to anticipate the skills required. The Skills Guarantee intends to equip people with relevant skills to drive innovation and competitiveness and to reach high productivity in Europe.
- The European Commission recommends the Member States to set up a **Skills Guarantee** allowing those who have abandoned initial education to access upskilling pathways in order to gain a minimum level of literacy, numeracy and digital skills.
- The Commission will present a comprehensive report evaluating the impact and results of the Skills Guarantee across the EU to the Council within five years of the adoption of the recommendation.

### EU: Digital contracts for digital content

- On 9 June at the Justice and Home Affairs Council, Member States agreed on a **large digital content definition**, a right balance between **consumer protection and a business friendly environment**. Amongst other issues discussed was the use of data as payment method and the retrieval by consumers of their data.
- EU Justice and Home Affairs ministers agreed on political guidelines for draft legislation to **harmonize contract rules for the supply of digital content**.
- The Member states also noted that given the increased value of personal data in modern business models, the directive should apply to digital content in exchange for personal data.
- The directive will be up to the Slovak EU presidency which takes over July 1 to forge a preliminary compromise between all 28 member states although a final compromise is unlikely before 2017. The European Parliament's debate on the measure will take place this fall.

#### EU: Ad Blocking Detection Guidance

- The Interactive Advertising Bureau (IAB) has issued **guidance** to publishers on ad blocking detection after reports qualify as illegal the detection without the consent of users under the ePrivacy Directive.
- The IAB believes in the **right for compensation** of publishers for their work and considers they should be able to choose their form of compensation.
- Publishers could obtain consent for the use of ad blocker detection by means of a **consent banner**, a **consent wall**, or a combination of the two.