

ISOC European Regional Bureau Newsletter

21 July – 29 July 2016

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Privacy Shield

EU: Article 29 Working Party gives qualified support to Transatlantic data-sharing agreement

- In a statement issued on 26 July, the Article 29 Working Party – comprised of national data protection authorities – agreed they **will not challenge the deal for one year**.
- The Article 29 Working Party expressed concerns over the **lack of specific rules on automated decisions and the general right to object**. They advocated for stronger safeguards on the independence and powers of the US ombudsman, and highlighted the lack of concrete assurances that bulk collection would not be undertaken by US authorities.
- Responsible for **assessing** whether the Privacy Shield's safeguards are **effectively implemented**, the **Article 29 Party** committed itself to **"proactively and independently" assist citizens** in the exercise of their rights.

Data Protection

EU: EDPS advocates for smarter, clearer and stronger ePrivacy rules

- Giovanni Buttarelli, the European Data Protection Supervisor, published an Opinion on the review of the ePrivacy Directive on 25 July.
- Mr Buttarelli opined that the scope of the revamped rules should **cover all electronic communications**, including Wi-Fi services in coffee shops, hotels and airports – as well as services offered by telephone companies and Internet service providers.
- There should be full protection and an **improvement of the current consent** requirements for traffic and location data.
- Mr Buttarelli noted that by preserving the high level of protection offered by the current ePrivacy Directive and by harmonising specific provisions to complement the General Data Protection Regulation, the EU would reinforce the confidentiality and integrity of electronic communications.

EU: Commission publishes REFIT Platform Opinions

- On 28 July, the Commission published **16 opinions** adopted by the **REFIT Platform**. The REFIT Platform brings together a diverse group of experts to make suggestions on how to improve existing EU legislation and assesses the way it is implemented at Member State level.
- These opinions will serve as input into the Commission's reflection of the 2017 Work Programme which addresses aspects such as the **ePrivacy Directive** and **state aid rules related to broadband**.

EU: BSA on encryption - what it does and why it matters

- BSA The Software Alliance released a document entitled "Encryption: Securing our data, securing

our lives” which presents the basis of encryption, the growing role it plays in everyday life and how regulation in this field risks weakening security.

France: Data protection authority tightens control over third-party cookies

- Commission Nationale de l'Informatique et des Libertés (CNIL) extended its control of compliance with **rules governing website tracker files** (“cookies”), used to enable targeted advertising.
- To date, the focus of CNIL’s compliance enforcement was on website publishers; however, many website publishers claim to lack control over cookies placed via third-parties and have experienced financial losses as a result of being unable to display advertising without relevant cookies – hence CNIL’s decision to extend its investigations to include third-party tracking providers.

Cybersecurity

EU: Europol partners with cybersecurity companies to fight rise in ransomware

- A website - No More Ransom - has been created to connect victims with the police and provide advice with data recovery.
- The website provides information about what ransomware is, how to prevent falling victim to it, and practical steps to take if affected.
- Ransomware refers to malware that demands a fee in order to unscramble important data on a device.

US: Report provides evidence of shortage in cybersecurity skills

- A new survey by Intel and the Center for Strategic and International Studies (CSIS) found that more than 80 per cent of information technology decision makers - in both the public and private sectors - think there is a global shortage of cybersecurity skills.
- Approximately 70 per cent considers such low skills levels makes organisations more vulnerable to cyberattacks. Respondents felt that national governments were not investing enough to address cybersecurity skills deficits.

Net neutrality

EU: Public consultation on Net Neutrality receives half a million contributions

- The **Public Consultation on the BEREC Guidelines** on the Implementation by National Regulators of European Net Neutrality Rules closed on 18 July 2016, having received around **half a million submissions**; BEREC is now evaluating the contributions.
- The relevant information is scheduled to be efficiently submitted for adoption by the BEREC Board of Regulators on 25 August 2016. A press conference on the BEREC Net Neutrality Guidelines is scheduled for 30 August 2016 in Brussels.

Hate crime/online radicalisation

EU: Study claims to show role of search engines in online radicalisation

- A study undertaken by Digitalis and the Centre on Religion and Geopolitics found almost 500,000 online searches per month returned results related **to Islamist extremist material**, while 44 per cent of the content was explicitly violent.
- This study is one of the first to reveal **the role of the search engine**, rather than social media, in attracting people to **online jihadi material**.

- This coincides with Europol's warnings of a sharp increase in online terror-related material. A special taskforce has identified more than 70 platforms used by terrorist organizations as a means of distributing propaganda.

Digital Single Market

EU: Single Digital Gateway public consultation launched

- The European Commission launched a public consultation on the creation of a “**Single Digital Gateway**”. The idea behind this proposal is to provide easier online access to Single Market information, online procedures, assistance and advice for citizens and business.
- The consultation, which opened on 26 July, will close on **21 November 2016**.

Copyright

US: American Copyright Law faces legal action

- The Electronic Frontier Foundation (EFF) has sued the United States on behalf of computer researcher Matthew Green and inventor Andrew Huang, claiming the current copyright impedes their ability to conduct their work.
- Mr Green explained that he could potentially face legal action for investigating software vulnerabilities if it involved bypassing a protected system; the EFF explained he had had to seek an exemption from the Library of Congress in order to undertake this research.
- Mr Huang had designed software that enables online videos to be recorded and manipulated.
- The EFF argued that US copyright law **violates the right to freedom of expression** by limiting the use given to the purchase of material under copyright protection - which risks undermining innovation.