

PRIVACY & INFORMATION SECURITY LAW BLOG

Global Privacy and Cybersecurity Law Updates and Analysis



July 2015

This Client Alert is a monthly update on privacy and cybersecurity developments as posted on Hunton & Williams' [Privacy and Information Security Law Blog](#). If you would like to receive email alerts when new posts are published, please visit our [blog](#) and enter your email address in the subscribe field.

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Federal Court: Seventh Circuit States Data Breach Class' Allegations Against Neiman Marcus Satisfy Article III Standing July 27, 2015

On July 20, 2015, the United States Court of Appeals for the Seventh Circuit [reversed a previous decision](#) that dismissed a putative data breach class action against Neiman Marcus for lack of Article III standing. *Remijas et al. v. Neiman Marcus Group, LLC*, No. 14-3122. [Continue reading...](#)

Hunton Publishes Several Chapters in International Comparative Legal Guide to Data Protection July 24, 2015

Hunton & Williams is pleased to [announce](#) its participation with the Global Legal Group in the publication of the second edition of the book *The International Comparative Legal Guide to: Data Protection 2015*. Members of the Hunton & Williams Global Privacy and Cybersecurity team [prepared several chapters](#) in the guide, including the opening chapter on "Legislative Change: Assessing the European Commission's Proposal for a Data Protection Regulation," and chapters on Belgium, China, France, Germany, the United Kingdom and the United States. [Continue reading...](#)

Connecticut Passes New Data Protection Measures into Law July 23, 2015

On July 1, 2015, Connecticut's governor signed into law Public Act No. 15-142, [An Act Improving Data Security and Agency Effectiveness](#) (the "Act"), that (1) amends the state's data breach notification law to require notice to affected individuals and the Connecticut Attorney General within 90 days of a security breach and expands the definition of personal information to include biometric data such as fingerprints, retina scans and voice prints; (2) affirmatively requires all businesses, including health insurers, who experience data breaches to offer one year of identity theft prevention services to affected individuals at no cost to them; and (3) requires health insurers and contractors who receive personal information from state agencies to implement and maintain minimum data security safeguards. With the passing of the Act, Connecticut becomes the first state to affirmatively require businesses to provide these security services to consumers. [Continue reading...](#)

FERC Proposes to Accept Updated CIP Standards and Calls for New Cybersecurity Controls July 21, 2015

On July 16, 2015, the Federal Energy Regulatory Commission ("FERC") issued a new [Notice of Proposed Rulemaking](#) ("NOPR") addressing the critical infrastructure protection ("CIP") reliability standards. The NOPR proposes to accept with limited modifications seven updated CIP cybersecurity standards. The NOPR also proposes that new requirements be added to the CIP standards to protect supply chain vendors against evolving malware threats and addresses risks to utility communications networks. [Continue reading...](#)

FCC Issues Clarifications Regarding the Telephone Consumer Protection Act July 17, 2015

On July 10, 2015, the Federal Communications Commission ("FCC") released a [Declaratory Ruling and Order](#) that provides guidance with respect to several sections of the Telephone Consumer Protection Act ("TCPA"). The Declaratory Ruling and Order responds to 21 separate requests from industry, government and others seeking clarifications regarding the TCPA and related FCC rules. [Continue reading...](#)

Indonesia Publishes Proposed Data Protection Rule July 17, 2015

On July 14, 2015, pursuant to an implementation requirement of Government Regulation 82 of 2012, the Indonesian government [published](#) the Draft Regulation of the Minister of Communication and Information (RPM) of the Protection of Personal Data in Electronic Systems ("Proposed Regulation"). The Proposed Regulation addresses the protection of personal data collected by a variety of government agencies, enumerates the rights of those whose personal data is collected and the obligations of users of Information Communication Technology. Agencies to which the Proposed Regulation would apply include: the Directorate General of Immigration, which manages passport data; the Financial Services Authority, which regulates financial sector data; the Bank Indonesia, which regulates banking data; the Indonesian Consumers Foundation, which regulates protection of consumer data; the National Archives; and the Ministry of Health, which regulates health data and archives. The government provided a 10-day comment period for the proposal. [Continue reading...](#)

House of Representatives Passes Bill to Permit Broader Use and Disclosure of Protected Health Information for Research Purposes
July 17, 2015

On July 10, 2015, the United States House of Representatives passed the [21st Century Cures Act](#) (the “Act”), which is intended to ease restrictions on the use and disclosure of protected health information (“PHI”) for research purposes. [Continue reading...](#)

Hunton Webinar on the Proposed EU General Data Protection Regulation: Preparing for Change
July 15, 2015

On July 9, 2015, Hunton & Williams LLP hosted a webinar on the [Proposed EU General Data Protection Regulation: Preparing for Change \(Part 1\)](#). Hunton & Williams partner and head of the [Global Privacy and Cybersecurity](#) practice [Lisa Sotto](#) moderated the session, which was led by speakers [Bridget Treacy](#), managing partner of the firm’s London office; [Wim Nauwelaerts](#), managing partner of the firm’s Brussels office; and [Jörg Hladjk](#), counsel in the firm’s Brussels office. Together the speakers presented an overview of the proposed [EU General Data Protection Regulation](#), discussed expected changes from the existing Directive, and offered guidance on how to prepare for the next steps. The webinar was the first segment of a two-part series. Part II will be held later this year as negotiations continue to develop. [Continue reading...](#)

Draft Cybersecurity Law Published for Comment in China
July 15, 2015

On July 6, 2015, the Standing Committee of the National People’s Congress of the People’s Republic of China published a draft of the country’s proposed Network Security Law (the “Draft Cybersecurity Law”). A public comment period on the Draft Cybersecurity Law is now open until August 5, 2015. [Continue reading...](#)

NTIA Announces Cybersecurity Stakeholder Meeting
July 10, 2015

On July 9, 2015, the National Telecommunications and Information Administration (“NTIA”) [announced](#) the launch of its first cybersecurity multistakeholder process, in which representatives from across the security and technology industries will meet in September to discuss vulnerability research disclosure. [Continue reading...](#)

Article 29 Working Party Issues Opinion on Drones
July 10, 2015

On June 16, 2015, the Article 29 Working Party (the “Working Party”) adopted an Opinion on [Privacy and Data Protection Issues relating to the Utilization of Drones](#) (“Opinion”). In the Opinion, the Working Party provides guidance on the application of data protection rules in the context of Remotely Piloted Aircraft Systems, commonly known as “drones.” [Continue reading...](#)

Lisa Sotto Profiled in Crain's New York Business on Breaches and Cyber Attacks July 9, 2015

On June 29, 2015, [Lisa J. Sotto](#), partner and head of the [Global Privacy and Cybersecurity practice](#) at Hunton & Williams LLP, was profiled in a *Crain's New York Business* article entitled [Lawyer Goes Into the Breach](#). The feature highlights the Hunton & Williams privacy team and the tireless work they do for their clients. Here is an excerpt from the article:

"Ms. Sotto came to her corner of the financial world a decade ago, after years working as an environmental lawyer. Spearheading Superfund cases was rewarding, but she was intrigued by the then-nascent field of mopping up messes for companies whose computer networks have been compromised. She has assembled a team of 25 lawyers specializing in finding experts to conduct forensic investigations into when and where breaches took place and what was stolen. With cyberattacks making the news practically every week, Ms. Sotto has gotten busier. Though computers have clearly made life better in lots of ways, more people than ever can crack into these electronic vaults and uncover personal data."

[Read the full article now.](#)

Scottish Honor for Peter Hustinx July 8, 2015

Richard Thomas, former UK Information Commissioner and Global Strategy Advisor to the [Centre for Information Policy Leadership](#), was invited to a unique event in Scotland last week.

Peter Hustinx, who retired as the European Data Protection Supervisor at the end of 2014, was awarded the Honorary Degree of Doctor of Science in Social Science by the University of Edinburgh. [Continue reading...](#)

CIPL Urges Expansion of Privacy Toolkit Beyond Consent July 8, 2015

How do we focus on individuals and ensure meaningful control and the empowerment of individuals in the modern information age? What data privacy tools would drive empowerment in the digital world of today and tomorrow, perhaps more effectively and more nimbly than traditional individual consent? At a time when many countries are legislating or revising their data privacy laws and organizations are searching for best practices to embed in their business models, these questions are more relevant today than ever. In an article published on July 2, 2015, in the International Association of Privacy Professionals' *Privacy Perspective*, entitled [Empowering Individuals Beyond Consent](#), Bojana Bellamy and Markus Heyder of the Centre for Information Policy Leadership at Hunton & Williams argue that consent is no longer the best or only way to provide control and protect individuals. There are alternative and additional tools in our toolkit that can deliver effective data privacy and greater individual empowerment. [Continue reading...](#)

FTC Launches Data Security Initiative July 2, 2015

On June 30, 2015, the Federal Trade Commission [announced](#) its new "Start With Security" business education initiative, which will provide businesses with information on data security and how to protect consumer information. [Continue reading...](#)

French Data Protection Authority Issues Report on Cookie Inspections July 2, 2015

On June 30, 2015, the French Data Protection Authority (the “CNIL”) [summarized](#) the results of the cookie inspections it conducted at the end of 2014. [Continue reading...](#)



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