

PRIVACY & INFORMATION SECURITY LAW BLOG

Global Privacy and Cybersecurity Law Updates and Analysis



January 2016

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New Deal Between EU and U.S. Reached Regarding Transatlantic Data Transfers February 2, 2016

On February 2, 2016, a new EU-U.S. transatlantic data transfer agreement was reached. Věra Jourová, European Commissioner for Justice, Consumers and Gender Equality, presented the new agreement to the European Commission (the “Commission”) today. According to the Commission’s press release, the new agreement will be called the EU-U.S. Privacy Shield. [Continue reading...](#)

CIPL Holds Safe Harbor “Essential Equivalence” Roundtable with Top European Voices January 29, 2016

On January 28, 2016, the Centre for Information Policy Leadership (“CIPL”) held a special roundtable at Hunton & Williams’ Brussels office to examine the “essential equivalence” requirement for protection of data transfers to non-EU countries set by the Court of Justice of the European Union’s (“CJEU’s”) *Schrems* decision. The roundtable brought together leading lawyers, corporate privacy officers, legal experts, regulators and policymakers to discuss the critical issues and impact of the new “essential equivalence” requirement for global data transfers set by the CJEU, and its relevance to the current EU-U.S. negotiations of a [new Safe Harbor agreement](#). [Continue reading...](#)

Senate Judiciary Committee Passes Amended Judicial Redress Act January 28, 2016

On January 28, 2016, the Senate Judiciary Committee passed the Judicial Redress Act (the “Act”), which would give EU citizens the right to sue over certain data privacy issues in the U.S. The Act passed after an amendment was approved which would condition EU citizens’ right to sue on EU Member States (1) allowing companies to transfer personal data to the U.S. for commercial purposes and (2) having personal data transfer policies which do not materially impede the national security interests of the U.S. The vote was initially set to take place on January 21, 2016, but was [delayed](#). [Continue reading...](#)

Russian Data Protection Authority Releases 2016 Audit Plan for Localization Law January 28, 2016

On January 13, 2016, the Russian Data Protection Authority (*Roscommandzor*) released its [plan for audits](#) this year to assess compliance with [Russia’s data localization law](#), which became effective on September 1, 2015. The localization law requires companies to store the personal data of Russians in databases located in Russia. The audit plan indicates that the *Roscommandzor* will audit large, multinational companies doing business in numerous jurisdictions and processing the personal data of Russian citizens.

Israel Postpones Possibility of Any U.S.-EU Safe Harbor Enforcement January 22, 2016

On January 21, 2016, the Israeli Law, Information and Technology Authority (“ILITA”) announced that it would postpone for the time being any review or enforcement actions on data transfers from Israel to the United States that are based on the U.S.-EU Safe Harbor framework. [Continue reading...](#)

Taiwan Amends Personal Data Protection Law January 15, 2016

On December 30, 2015, Taiwan’s Office of the President issued an order to promulgate certain amendments (the “Amendments”) to Taiwan’s Personal Data Protection Law (the “PDPL”). The Amendments revise 12 articles in the PDPL. The Amendments concern the collection and use of sensitive personal data, the form of consent for the collection and use of non-sensitive personal data, and the imposition of criminal liability for violations of certain provisions of the PDPL. The Amendments are expected to become effective in the first half of 2016 on a date to be determined by the Executive Yuan. [Continue reading...](#)

European Court of Human Rights Issues Decision on Monitoring Employee Use of the Internet January 14, 2016

On January 12, 2016, the European Court of Human Rights (“the Court”) [ruled](#) in *Bărbulescu v. Romania* that companies can monitor their employees’ online communications in certain circumstances.

The case concerned the dismissal of a Romanian engineer, Bărbulescu, by his employer, for the use of the company’s Internet and in particular, Yahoo Messenger, for personal purposes during work hours. The employer alleged that Bărbulescu was violating internal regulations that prohibit the use of the company’s equipment for personal purposes. [Continue Reading...](#)

FTC Settles with Dental Practice Software Provider over Charges of Misleading Consumers with Respect to Data Encryption

January 13, 2016

On January 5, 2016, the Federal Trade Commission [announced](#) that dental office management software provider, Henry Schein Practice Solutions, Inc. (“Schein”), agreed to settle FTC charges that accused the company of falsely advertising the level of encryption it used to protect patient data. The proposed [Agreement Containing Consent Order](#) (“Consent Order”) stems from an FTC [complaint](#) that alleged the company engaged in unfair or deceptive acts or practices by falsely representing that the Dentrix G5 software used industry-standard encryption and helped dentists protect patient data in accordance with the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”). [Continue Reading...](#)

China Enacts Administrative Measures for Online Payment Businesses

January 13, 2016

On December 28, 2015, the People’s Bank of China published Administrative Measures for Online Payment Business of Non-bank Payment Institutions (the “Measures”). The Measures were enacted to provide further details on the regulation of online payment businesses, in supplement to the earlier Administrative Measures for the Payment Services of Non-financial Institutions (the “2010 Measures”), published by the People’s Bank of China on June 14, 2010. The 2010 Measures regulated the conduct of all payment services, including both online payment methods and three other types of payment methods, by all types of Non-bank Payment Institutions (“NBPIs”). The newer Measures are more focused and apply only to online payment methods, and only to NBPIs which have already obtained a Payment Business License and are engaged in an online payment business. [Continue Reading...](#)

European Data Protection Supervisor Publishes Priorities for 2016

January 12, 2016

On January 7, 2016, the European Data Protection Supervisor (the “EDPS”) published his Priorities for 2016. The EDPS Priorities consists of a [cover note](#) listing the strategic priorities of the EDPS in 2016 and a color-coded [table](#) listing the European Commission’s proposals that require the EDPS’ attention, per level of priority.

In line with the [EDPS Strategy 2015-2019](#) unveiled in March 2015, the EDPS will set his focus on the following areas of strategic importance. [Continue Reading...](#)

FTC Releases New Report on Big Data

January 11, 2016

On January 6, 2015, the Federal Trade Commission released its report on big data entitled [Big Data: A Tool for Inclusion or Exclusion? Understanding the Issues](#). The report is a compilation of a seminar on alternative scoring products, the discussions at a big data public workshop held on September 15, 2014, and other recent research and public commentary on the issue. [Continue Reading...](#)

Dutch Law Includes General Data Breach Notification Obligation and Larger Fines for Violations of the Data Protection Act

January 8, 2016

On January 1, 2016, a [Dutch law](#) became effective that (1) includes a general obligation for data controllers to notify the Data Protection Authority (“DPA”) of data security breaches, and (2) authorizes the DPA to impose direct fines for violations of the Data Protection Act. [Continue Reading...](#)

Defense Department Issues Interim Rule Extending Time for Federal Contractors to Comply with Cybersecurity Regulations

January 6, 2016

On December 30, 2015, the Department of Defense (“DoD”) issued a [second interim rule](#) (80 F. R. 81472) that extends the deadline by which federal contractors must implement the new cybersecurity requirements previously issued by the agency. This extension pushes back the compliance deadline to December 31, 2017. [Continue Reading...](#)

Anti-Terrorism Law Enacted in China

January 6, 2016

On December 27, 2015, the Standing Committee of the National People’s Congress of the People’s Republic of China published the [P.R.C. Anti-Terrorism Law](#). The law was enacted in response to a perceived growing threat from extremists and terrorists, particularly in regions in Western China, and came into effect on January 1, 2016. [Continue Reading...](#)



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