

PRIVACY AND INFORMATION SECURITY LAW BLOG

GLOBAL PRIVACY AND CYBERSECURITY LAW UPDATES AND ANALYSIS

September 2013

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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Data Protection Commissioners Adopt a Declaration and Several Resolutions at 35th International Conference September 26, 2013

On September 23 and 24, 2013, a declaration and eight resolutions were adopted by the closed session of the 35th International Conference of Data Protection and Privacy Commissioners and have been published on the [conference website](#). This blog post provides an overview of the declaration and the most significant resolutions. [Continue reading...](#)

California Expands Online Privacy Law to Bolster Protection for Minors September 24, 2013

On September 23, 2013, California Governor Jerry Brown [signed](#) a [bill](#) that adds "Privacy Rights for California Minors in the Digital World" to the [California Online Privacy Protection Act](#) ("CalOPPA"). The new CalOPPA provisions prohibit online marketing or advertising certain products to anyone under age 18, and require website operators to honor requests made by minors who are registered users to remove content the minor posted on the site. In addition, operators must provide notice and instructions to minors explaining their rights regarding the removal of content they've posted. [Continue reading...](#)

HIPAA Omnibus Rule Compliance Deadline Has Arrived September 23, 2013

Today, September 23, 2013, marks the deadline for compliance with the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) Omnibus Rule that was [issued](#) in January 2013. Covered entities, business associates and subcontractors that access, use or disclose protected health information (“PHI”) will need to take the following actions:

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Commissioner Reding Comments on EU General Data Protection Regulation Negotiations September 20, 2013

On September 6, 2013, Vice-President of the European Commission and Commissioner for Justice, Fundamental Rights and Citizenship Viviane Reding [traveled to Berlin](#) where she [commented](#) on the status of the negotiations on the proposed [EU General Data Protection Regulation](#) (the “Proposed Regulation”). Commissioner Reding indicated that she was looking for Germany to become involved in the discussions about the Proposed Regulation at the highest level, and she argued in favor of stricter regulations given [recent revelations about surveillance programs such as PRISM](#). Because the vote on the Proposed Regulation only requires a majority to pass, she also emphasized that it would not be necessary to obtain the agreement of all of the EU Member States (for example, the UK or Ireland).

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Hunton Privacy Attorneys Featured Among New York Super Lawyers September 20, 2013

Hunton & Williams LLP is pleased to announce that several privacy lawyers were named to the New York Metro [Super Lawyers](#) list for 2013. For the eighth consecutive year, [Lisa J. Sotto](#), partner and head of the Global Privacy and Cybersecurity practice at Hunton & Williams LLP, was selected as a New York Super Lawyer. She also was featured in the latest edition of *New York Super Lawyers Magazine* in an article entitled “[The Queen of Breach: Privacy Expert Lisa Sotto Goes Public](#).” In addition, partner [Aaron P. Simpson](#) was included as a Rising Star for the third year in a row, and associate [Melinda L. McLellan](#) also was listed in the Rising Stars category for the second year in a row. As members of the firm’s [Global Privacy and Cybersecurity](#) team, their practices focus on complex privacy and cybersecurity matters, including assisting clients with the remediation of large-scale data security incidents and compliance with federal, state and international privacy and data security requirements.

Hunton Global Privacy Update September 19, 2013

On September 19, 2013, Hunton & Williams’ [Global Privacy and Cybersecurity](#) practice group hosted the first webcast in its new [Hunton Global Privacy Update](#) series. The program focused on the latest updates regarding the EU [General Data Protection Regulation](#), recent Safe Harbor issues from both European and American perspectives, and cybersecurity developments on both sides of the Atlantic.

Listen to a [recording of the September Hunton Global Privacy Update](#).

Hunton Global Privacy Update sessions are 30-minutes in length and are scheduled to take place every two months.

HHS Releases Model Notices of Privacy Practices September 19, 2013

This week, the Department of Health and Human Services' Office for Civil Rights ("OCR"), in conjunction with the Office of the National Coordinator for Health Information Technology, [released](#) model Notices of Privacy Practices. The notices, which have been developed for use by health care providers and health plans, come in different formats:

- an 8-page booklet;
- a 5-page layered notice that summarizes key details on the first page and includes the full content of the booklet on the remaining four pages;
- a 5-page condensed version of the 8-page booklet; and
- a 6-page text-only version of the booklet.

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OECD Issues Updated Privacy Guidelines September 16, 2013

On September 9, 2013, the Organization for Economic Cooperation and Development ("OECD") published its [revised guidelines governing the protection of privacy and transborder flows of personal data](#) (the "Revised Guidelines"), updating the OECD's original guidelines from 1980 that became the first set of accepted international privacy principles. [Continue reading...](#)

FTC Seeks Input on Another COPPA Parental Consent Mechanism Proposal September 11, 2013

On September 9, 2013, the Federal Trade Commission [announced](#) that it is seeking public comment on another proposed mechanism (submitted by Imperium, LLC) to obtain verifiable parental consent in accordance with the new Children's Online Privacy Protection Rule (the "COPPA Rule") that [came into effect July 1, 2013](#). This announcement follows on the heels of a [similar recent announcement](#) that the Commission is seeking public comment on a parental consent mechanism proposed by a different company. [Continue reading...](#)

German DPAs Pass Resolution on PRISM, Tempora and XKeyscore September 10, 2013

On September 5, 2013, the 16 German state data protection authorities and the Federal Commissioner for Data Protection and Freedom of Information (the "DPAs") passed a [resolution](#) concerning recent revelations about the PRISM, Tempora and XKeyscore surveillance programs. [Continue reading...](#)

California Bill Would Require Notification for Breaches Involving Online Account Credentials September 9, 2013

On September 4, 2013, California state legislators passed an amendment to the state's breach notification law. The bill, [SB 46](#), would expand notification requirements to include security incidents involving the compromise of personal information that would permit access to an online or email account. Pursuant to SB 46, the definition of "personal information" contained in Sections 1798.29 and 1798.82 of California's Civil Code would be amended to include "a user name or email address, in combination with a password or security question and answer that would permit access to an online account." Notably, the compromise of these data elements alone – even when not in conjunction with an individual's first name

or first initial and last name – would trigger a notification obligation under the amended law. In addition, the bill does not limit the data elements that constitute “personal information” to those that would permit access to an individual’s financial account. [Continue reading...](#)

Evolving Chinese Regulations Both Expand and Restrict Access to Corporate Information September 9, 2013

Recent news reports regarding the alleged purchase of personal information by a corporate investigative service firm in Shanghai have raised questions about the possibility of obtaining information about domestic Chinese companies from government corporate registration agencies. [Continue reading...](#)

FTC Announces Settlement with Security Camera Retailer After Hacking Exposed Private Feeds on the Internet September 5, 2013

On September 4, 2013, the Federal Trade Commission [announced](#) a [settlement](#) with TRENDnet, Inc. (“TRENDnet”) stemming from allegations that TRENDnet’s failure to provide reasonable security for its Internet Protocol (“IP”) security cameras allowed hackers to publicly post online live feeds from approximately 700 customers’ cameras. As the FTC noted in its [press release](#), “this is the agency’s first action against a marketer of an everyday product with interconnectivity to the Internet and other mobile devices – commonly referred to as the ‘Internet of Things.’” [Continue reading...](#)

Sotto Named Among Ethisphere’s 2013 “Attorneys Who Matter” September 3, 2013

On September 3, 2013, Hunton & Williams LLP [announced](#) that [Lisa J. Sotto](#), head of the firm’s [Global Privacy and Cybersecurity practice](#) and managing partner of the New York office, was named among Ethisphere Institute’s “Attorneys Who Matter” for 2013. The annual listing includes lawyers from a range of legal disciplines who surpass their peers based on their experience, public service, legal community engagement and client endorsement. This is the third time Sotto has achieved this ranking. [Continue reading...](#)



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