

PRIVACY & INFORMATION SECURITY LAW BLOG

Global Privacy and Cybersecurity Law Updates and Analysis



November 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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EDPS Issues Opinion on the Challenges of Big Data

November 25, 2015

On November 19, 2015, the European Data Protection Supervisor (the "EDPS") [published](#) an Opinion entitled Meeting the Challenges of Big Data (the "Opinion"). The Opinion outlines the main challenges, opportunities and risks of big data, and the importance placed on companies processing large volumes of personal data to implement innovative methods to comply with data protection laws. [Continue reading...](#)

APEC Leaders Reinforce Commitment to CBPR System

November 24, 2015

On November 19, 2015, the White House released a [fact sheet](#) from the 23rd Annual APEC Economic Leaders' Meeting in the Philippines. Under the section on Enhancing Regional Economic Integration, representatives from the U.S. and other APEC economies reinforced their commitment to the ongoing implementation of the [APEC Cross-Border Privacy Rules \("CBPR"\) system](#) for information controllers. [Continue reading...](#)

Class Action Filed Against Georgia's Secretary of State

November 24, 2015

On November 17, 2015, two plaintiffs filed a putative class action alleging that Georgia's Secretary of State, Brian Kemp, improperly disclosed the Social Security numbers, driver's license numbers and birth dates of more than 6.1 million Georgia voters. The lawsuit alleges that the Secretary violated Georgia's Personal Identity Protection Act by disclosing the voters' personally identifiable information, failing to provide voters notice of the breach and failing to notify consumer reporting agencies. [Continue reading...](#)

CIPL Points to Transparency as Key Catalyst for Innovative Information Economy November 23, 2015

On November 20, 2015, [Markus Heyder](#), Vice President of the [Centre for Information Policy Leadership](#) ("CIPL") at Hunton & Williams LLP, discussed how "transparency is increasingly understood as a core component of addressing the challenges of the modern information economy" and a key catalyst for a productive and innovative information economy in an article entitled [Transparency and the Future of Driverless Privacy](#) published by the [International Association of Privacy Professionals](#). [Continue reading...](#)

French Data Protection Authority Issues Guidance and FAQs on Safe Harbor November 20, 2015

On November 19, 2015, the French Data Protection Authority ("CNIL") [published](#) guidance, including a set of [frequently asked questions](#), to assist companies that are transferring personal data to the U.S. pursuant to the Safe Harbor framework. [Continue reading...](#)

China Publishes New Regulation for Personal Data Security in the Courier Industry November 19, 2015

On November 16, 2015, the Legislative Affairs Office of the State Council of the People's Republic of China [published](#) a draft Regulation for Couriers (the "Regulation") and requested public comment on the Regulation. Interested parties have until mid-December 2015 to submit comments on the Regulation. The Regulation comes at a time when courier services and online shopping are growing steadily in China. Under the Regulation, the sender of a parcel will be required to fill in his or her real name and address, the telephone numbers of both the sender and the recipient, as well as the name, quantity and nature of the object being couriered. [Continue reading...](#)

FCC Reaches Settlement with Cable Operator over Customer Data Breach November 17, 2015

On November 5, 2015, the Enforcement Bureau of the Federal Communications Commission ("FCC") [entered](#) into a Consent Decree with cable operator Cox Communications to settle allegations that the company failed to properly protect customer information when the company's electronic data systems were breached in August 2014 by a hacker. The FCC alleged that Cox failed to properly protect the confidentiality of its customers' proprietary network information ("CPNI") and personally identifiable information, and failed to promptly notify law enforcement authorities of security breaches involving CPNI in violation of the Communications Act of 1934 and FCC's rules. [Continue reading...](#)

FTC Dismisses Complaint for Failure to Show Current or Future Substantial Consumer Injury November 16, 2015

On November 13, 2015, Chief Administrative Law Judge D. Michael Chappell [dismissed](#) the FTC's complaint against LabMD Inc. ("LabMD") for failing to show that LabMD's allegedly unreasonable data

security practices caused, or were likely to cause, substantial consumer injury. The law judge did not address LabMD's claim that the FTC does not have jurisdiction to enforce data security standards under the unfairness prong of [Section 5 of the FTC Act](#), and LabMD has reserved its jurisdictional challenge for an anticipated appeal to the federal court. The action is [In the Matter of LabMD Inc., Docket No. 9357](#). [Continue reading...](#)

French Data Protection Authority Imposes Fine for Inadequate Security Measures November 16, 2015

On November 13, 2015, the French Data Protection Authority ("CNIL") [announced](#) its decision in a case against Optical Center, imposing a fine of €50,000 on the company for violations related to the security and confidentiality of its customers' personal data. [Continue Reading...](#)

Hunton's Data Protection Practice Recognized by Chambers UK and Legal 500 UK November 12, 2015

Hunton & Williams LLP [announces](#) the firm's [Global Privacy and Cybersecurity practice](#) was again recognized by *Chambers UK* 2016 and The *Legal 500 UK* 2015 guides, earning Tier 1 rankings. *Chambers UK* noted that the practice has a "superbly strong bench of highly experienced counsel adept at advising on the most complex of information law concerns. Particularly accomplished in guiding clients through the privacy implications of new technologies, international data transfers, and BCR applications and implementations." Additionally, the firm's European data protection practice leaders are recognized in the "Star" and "Senior Statesman" categories by *Chambers UK*, the highest categories of rankings. [Bridget Treacy](#), head of the firm's UK Privacy and Cybersecurity practice, and senior attorney consultant [Rosemary Jay](#), received the top honors of "Star" individuals for data protection. [Richard Thomas](#), formerly the UK Information Commissioner and the firm's global strategy advisor, was again recognized as a "Senior Statesman." [Continue Reading...](#)

Trans-Pacific Partnership Addresses Cross-Border Data Transfers and Protection of Personal Information November 10, 2015

On November 5, 2015, the White House released the [proposed text](#) of the Trans-Pacific Partnership Agreement (the "TPP") containing a chapter on cross-border data transfers in the context of electronic commerce. In the chapter on Electronic Commerce, [Chapter 14](#), the TPP includes commitments from participating parties to adopt and maintain a legal framework to protect personal information, and encourages cross-border data transfers to help facilitate business and trade. [Continue Reading...](#)

FCC to Tackle Issue of Broadband Privacy November 9, 2015

On November 2, 2015, Federal Communications Commission ("FCC") Chairman, Tom Wheeler, indicated in an interview that the agency would take on the issue of broadband privacy within the next several months, most likely in the form of a notice of proposed rulemaking. Chairman Wheeler said that the FCC's inquiry would look at the privacy practices of "those who provide the networks" (i.e., Internet service providers ("ISPs")) and how such businesses are protecting their customers' information. [Continue Reading...](#)

NSA Ordered to Stop Bulk Telephony Metadata Program November 9, 2015

On November 9, 2015, U.S. District Judge Richard J. Leon issued a preliminary injunction ordering the National Security Agency to stop its bulk telephony metadata program. The preliminary injunction was issued in favor of subscribers of Verizon Wireless Business Network and comes 20 days before the program was set to expire under the [USA Freedom Act](#). The case is [Klayman v. Obama et al.](#) (1:13-cv-00851) in the U.S. District Court for the District of Columbia. [Continue Reading...](#)

Hunton Authors Article in Pratt's Privacy & Cybersecurity Law Report November 6, 2015

Hunton & Williams LLP's Aaron Simpson, partner in the firm's Global Privacy and Cybersecurity practice, and Adam Solomon, associate, co-authored an article in *Pratt's Privacy & Cybersecurity Law Report* entitled [Dealmakers Ignore Cyber Risks At Their Own Peril](#). [Continue Reading...](#)

EU Commission Publishes Communication on Transatlantic Data Transfers and Confirms Objective to Establish a New Safe Harbor Framework November 6, 2015

On November 6, 2015, the European Commission published a [communication](#) and a [Q&A document](#) addressed to the European Parliament and European Council on the transfer of personal data from the EU to the U.S. under EU Data Protection Directive 95/46/EC (the "Directive"), following the [decision](#) by the Court of Justice of the European Union invalidating the European Commission's Safe Harbor Decision. [Continue Reading...](#)

U.S. Chamber of Commerce Testifies about Safe Harbor at a Joint Hearing of the U.S. House of Representatives November 3, 2015

On November 3, 2015, John Murphy, Senior Vice President for International Policy at the U.S. Chamber of Commerce, [testified](#) about the Court of Justice of the European Union's ("CJEU's") [EU-U.S. Safe Harbor Decision](#) at a joint hearing of the House Commerce and Communications and Technology Subcommittees. [Continue Reading...](#)



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