

May 2012

This Client Alert is a monthly update on privacy and information management 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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United States Submits Request to Participate in APEC Cross-Border Privacy Rules System May 30, 2012

On May 26, 2012, the United States government submitted its request to participate in the APEC Cross-Border Privacy Rules ("CBPRs") system. The CBPRs system was endorsed by APEC leaders in [November 2011](#). [Continue reading...](#)

PCI Data Security Standards Council Provides Mobile Payment Acceptance Guidance May 29, 2012

On May 16, 2012, the PCI Security Standards Council's ("PCI SSC's") Mobile Working Group [published](#) its "[At a Glance: Mobile Payment Acceptance Security](#)" fact sheet (the "Guidance"), which outlines best practices for securely accepting payments via mobile devices. The Guidance offers merchants practical advice for partnering with a Point-to-Point Encryption ("P2PE") solution provider and satisfying their PCI Data Security Standard compliance requirements in the context of mobile payment acceptance. The Guidance includes recommendations for maintaining data security throughout the payment lifecycle, including securing account data at the point of capture and using an approved hardware accessory in combination with a validated P2PE solution. [Continue reading...](#)

UK ICO Releases Timely Additional Guidance on Cookie Compliance May 25, 2012

On May 25, 2012, the UK Information Commissioner's Office [posted](#) updated guidance on how to comply with amendments to EU data protection law requiring businesses to obtain consent from website visitors to store information on their computers and retrieve that information in the form of cookies. Last year, the ICO gave organizations a [grace period](#) expiring on May 26, 2012, to comply with the new cookie rules. [Continue reading...](#)

British Columbia Privacy Commissioner Discusses New Privacy Management Program Guidance May 21, 2012

On May 4, 2012, [Marty Abrams](#), President of the Centre for Information Policy Leadership at Hunton & Williams LLP ("the Centre"), interviewed British Columbia's Information and Privacy Commissioner Elizabeth Denham during the [Centre's First Friday call](#). Commissioner Denham discussed the [April 2012 release](#) of "[Getting Accountability Right with a Privacy Management Program](#)," new guidance issued by the Office of the Privacy Commissioner of Canada and the Offices of the Information and Privacy Commissioners of Alberta and British Columbia. The guidance addresses the Commissioners' expectations for accountable privacy programs as required by Canadian law. Commissioner Denham described the guidance as "a tool to help organizations comply with the law," providing "a roadmap to sound data governance," with clear, practical terms for organizations to achieve accountability. [Continue reading...](#)

California District Court Certifies Class in ZIP Code Collection Suit May 21, 2012

As reported in [BNA's Privacy & Security Law Report](#), on May 4, 2012, the United States District Court for the Southern District of California [granted](#) plaintiffs' motion for class certification in an action against IKEA U.S. West, Inc. ("IKEA") under the [Song-Beverly Credit Card Act of 1971](#) (the "Song-Beverly Act"). The suit alleges that IKEA violated the Song-Beverly Act by requesting that cardholders provide their ZIP codes during credit card transactions, and then recording that information in an electronic database. The Court found that the class definition was not overbroad and that IKEA's practice of requesting ZIP codes demonstrated common questions of law best resolved through a class action. [Continue reading...](#)

Hunton & Williams "Continues to Impress" According to Chambers Europe May 11, 2012

Hunton & Williams is pleased to announce that Chambers and Partners has ranked the firm in "Band 2" in its 2012 *Chambers Europe* guide for [TMT: Information Technology: Belgium](#). Brussels managing partner [Wim Nauwelaerts](#) was recognized for his "very straightforward" and "no-nonsense approach." "Rising star" associate [Cédric Burton](#) was praised by clients "for his business-oriented and pragmatic advice," with interviewees claiming that "he has a deep understanding of the matters we've been working on." [Continue reading...](#)

Preliminary Agenda Released for the 34th International Conference of Data Protection and Privacy Commissioners May 10, 2012

The Uruguayan Personal Data Control and Regulatory Unit has released the preliminary agenda for the [34th International Conference of Data Protection and Privacy Commissioners](#) to take place October 23-24, 2012 in Punta del Este, Uruguay, at the Conrad Hotel. The conference theme is “Privacy and Technology in Balance.” The preliminary agenda with session descriptions and other information is available on the conference website at www.privacyconference2012.org.

FTC Reaches Settlement with Myspace for Misleading Statements in Privacy Policy May 8, 2012

On May 8, 2012, the Federal Trade Commission [announced](#) a [settlement agreement](#) with the social networking service Myspace LLC (“Myspace”). The FTC alleged that Myspace’s practice of sharing users’ personal information with unaffiliated third-party advertisers conflicted with representations the company made in its privacy policy, and could allow those advertisers to obtain users’ names, publicly available information and information about their online browsing habits. [Continue reading...](#)

European Data Protection Commissioners Close Spring Conference with a Resolution May 8, 2012

As [we previously reported](#), on May 3-4, 2012, the European data protection authorities’ (“DPAs”) Spring Conference was held in Luxembourg, and the Data Protection Commissioners closed the conference by issuing a [resolution](#) on [European data protection reform](#). In their resolution, the Data Protection Commissioners expressed general satisfaction with the ongoing modernization of the data protection frameworks of the European Union, the Council of Europe and the Organization for Economic Cooperation and Development. [Continue reading...](#)

International DPA Working Group Publishes Working Paper on Privacy Issues in Cloud Computing May 7, 2012

Following a meeting in Sopot, Poland, on April 24, 2012, the [International Working Group on Data Protection in Telecommunications](#) (the “Working Group”), led by the Berlin Commissioner for Data Protection and Freedom of Information, issued a [Working Paper](#) that focuses on privacy and data protection issues related to the use of cloud computing in the international context. The Working Paper aims to reduce uncertainty regarding the definition of cloud computing and how the technology intersects with privacy, data protection and other legal issues. [Continue reading...](#)

Australian Government Moves Forward with Privacy Reform Legislation May 4, 2012

On May 2, 2012, Australia’s Attorney General Nicola Roxon announced that the Australian government will introduce a bill to the Australian Parliament that will enact a number of the recommendations from the [2008 Law Reform Commission Report](#) (ALRC Report 108) and reform privacy law in Australia. Discussion drafts of segments of the bill were considered by a Senate Committee in 2011. On May 4, Australian Privacy Commissioner Timothy Pilgrim presented an overview of the draft legislation at an event held during the iappANZ Privacy Awareness Week. Commissioner Pilgrim noted that the legislative package includes: [Continue reading...](#)

EU Justice Commissioner Viviane Reding Addresses European Data Protection Authorities at Spring Conference May 3, 2012

On May 3, 2012, Viviane Reding, Justice Commissioner and European Commission Vice-President, delivered a [speech](#) during the European data protection authorities' ("DPAs") Spring Conference, which was held in closed sessions in Luxembourg. In her speech, Commissioner Reding discussed how the [proposed EU Data Protection Regulation](#) aimed to empower the DPAs and addressed some of the DPAs' primary concerns with the reform. [Continue reading...](#)

House Passes Two Cybersecurity Bills May 1, 2012

On April 26, 2012, the U.S. House of Representatives approved the [Cyber Intelligence Sharing and Protection Act](#) ("CISPA" or H.R. 3523), which is aimed at facilitating the exchange of cyber threat intelligence information between the government and certain private entities. In addition, the House approved the [Federal Information Security Amendments Act of 2012](#) (H.R. 4257), which modifies the Federal Information Security Management Act of 2002 to provide for automated and continuous monitoring of the security of government information systems. [Continue reading...](#)



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