

PRIVACY & INFORMATION SECURITY LAW BLOG

Global Privacy and Cybersecurity Law Updates and Analysis



March 2016

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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NERC Report Highlights Lessons Learned from Ukraine Electric Utility Cyber Attack March 31, 2016

On March 18, 2016, a [report](#) was released by a joint team from the North American Electric Reliability Corporation's Electricity Information Sharing Analysis Center and SANS Industrial Control Systems. According to the report, the cyber attack against a Ukrainian electric utility in December 2015 that caused 225,000 customers to lose power for several hours was based on months of undetected reconnaissance that gave the attackers a sophisticated understanding of the utility's supervisory control and data acquisition networks. [Continue Reading...](#)

Hunton & Williams Receives Global Band 1 Ranking for Data Protection by Chambers March 31, 2016

Chambers & Partners ranked Hunton & Williams LLP's [Global Privacy and Cybersecurity](#) practice in Band 1 in the recently released 2016 *Global* guide. The firm has been recognized by *Chambers Global* as a Band 1 firm, global-wide, for data protection for the past nine years. As noted by *Chambers Global*, the team is a "[t]op-ranked firm with notable strength negotiating with regulators and advising on compliance programmes." [Continue Reading...](#)

Draft E-Commerce Standards Published for Comment in China March 29, 2016

On March 22, 2016, the Ministry of Commerce of the People's Republic of China published drafts of its proposed (1) Specifications for Business Services in Mobile E-commerce ("Mobile E-commerce Specifications") and (2) Specifications for Business Services in Cross-border E-commerce ("Cross-border E-commerce Specifications"). A public comment period on these drafts is now open. Comments will be accepted until May 31, 2016. [Continue Reading...](#)

CIPL's Bojana Bellamy Testifies on the EU-U.S. Privacy Shield to EU Parliament March 29, 2016

On March 17, 2016, [Bojana Bellamy](#), President of the Centre for Information Policy Leadership ("CIPL"), participated on a panel of experts at a [hearing](#) in front of the European Parliament's [Committee on Civil Liberties, Justice and Home Affairs](#) ("LIBE Committee") about the new EU-U.S. Privacy Shield for commercial transfers of EU personal data to the U.S. [Continue Reading...](#)

CNIL Launches Work on Compliance Pack Regarding Connected Vehicles March 28, 2016

On March 23, 2016, the Chairwoman of the French Data Protection Authority ("CNIL") [opened](#) proceedings that will lead to the release of a compliance pack on connected vehicles.

The CNIL announced that the compliance pack will contain guidelines regarding the responsible use of personal data for the next generation of vehicles. It will assist various stakeholders in the industry prepare for the General Data Protection Regulation. [Continue Reading...](#)

HHS Launches Phase 2 of HIPAA Audits March 22, 2016

On March 21, 2016, the Department of Health and Human Services' Office for Civil Rights ("OCR") [announced](#) that it has commenced Phase 2 of the HIPAA Audit Program. [Phase 1](#) of the HIPAA Audit Program ran from 2011-2012 and produced several notable findings, including that two-thirds of covered entities had not performed a risk assessment as required by the HIPAA Security Rule. [Continue Reading...](#)

UK Government Proposes Elizabeth Denham as New Information Commissioner March 22, 2016

On March 22, 2016, the UK government [confirmed](#) Elizabeth Denham as its preferred candidate to replace Christopher Graham as Information Commissioner. Subject to a pre-scrutiny hearing by the Culture, Media and Sports Select Committee and final approval from Her Majesty the Queen, Denham would begin her five-year term in mid-2016. [Continue reading...](#)

HHS Announces Settlements with Health Care System and Medical Research Institute over Potential HIPAA Violations March 22, 2016

On March 16, 2016, and March 17, 2016, respectively, the Department of Health and Human Services ("HHS") announced resolution agreements with North Memorial Health Care of Minnesota ("North

Memorial”) and The Feinstein Institute for Medical Research (“Feinstein Institute”) over potential violations of the HIPAA Privacy Rule. [Continue reading...](#)

EU Council to Adopt Position at First Reading on the EU General Data Protection Regulation March 21, 2016

On March 17, 2016, the Council of the European Union (the “Council”) published a [Draft Statement](#) (the “Statement”) regarding the Council’s position at first reading with respect to the adoption of the EU General Data Protection Regulation (“GDPR”). The Statement follows a political agreement on the draft GDPR reached by the Council on February 12, 2016. [Continue reading...](#)

ICO Issues Twelve Step Guidance on Preparing for the EU General Data Protection Regulation March 18, 2016

On March 14, 2016, the UK Information Commissioner’s Office (“ICO”) published a guide, [Preparing for the General Data Protection Regulation \(GDPR\) – 12 Steps to Take Now](#). The guide, which is a high-level checklist with accompanying commentary, sets out a number of points that should inform organizations’ data privacy and governance programs ahead of the anticipated mid-2018 entry into force of the GDPR. [Continue Reading...](#)

Hunton Webinar on the EU General Data Protection Regulation March 16, 2016

On March 9, 2016, Hunton & Williams LLP hosted a [webinar](#) regarding the impact of the EU General Data Protection Regulation (“GDPR”) on global companies. Partner [Aaron Simpson](#) moderated the session, and speakers included partner and head of the [Global Privacy and Cybersecurity practice](#) [Lisa Sotto](#), partner [Wim Nauwelaerts](#) and counsel Jörg Hladjk. Together, they explored the key components of the GDPR and discussed a roadmap toward compliance. [Continue reading...](#)

CIPL Launches Project at Amsterdam Workshop on EU General Data Protection Regulation Implementation March 15, 2016

On March 16, 2016, the Centre for Information Policy Leadership (“CIPL”) at Hunton & Williams LLP will co-host a one-day workshop in Amsterdam, Netherlands, together with the Dutch Ministry of Security and Justice, to kick off a new long-term CIPL project on the implementation of the EU General Data Protection Regulation (“GDPR”). [Continue Reading...](#)

Hunton Releases Management Guide to the EU General Data Protection Regulation March 10, 2016

On March 9, 2016, Hunton & Williams’ Global Privacy and Cybersecurity practice lawyers released a management guide on the EU General Data Protection Regulation (“GDPR”), entitled “[Overview of the EU General Data Protection Regulation](#),” addressing the key impacts the new law will have on businesses. This high-level management guide is intended to provide companies with a roadmap to the Regulation, focusing on topics such as expanded territorial scope, data breach notification rules, the One-Stop Shop concept and the right to be forgotten. [Continue Reading...](#)

**CIPL, Hunton & Williams, TRUSTe to Represent U.S. Business on APEC E-Commerce Business Alliance Expert Council
March 8, 2016**

During last week's APEC privacy and e-commerce meetings in Lima, Peru, the [APEC E-Commerce Business Alliance](#) ("ECBA") established its 2nd APEC E-Commerce Business Alliance Expert Council ("Expert Council"). The ECBA Expert Council is comprised of 32 e-commerce experts from government, academia and the private sector in the APEC region. The U.S. members are Markus Heyder, Vice President and Senior Policy Counselor at the Centre for Information Policy Leadership, Manuel "Bing" Maisog, partner at Hunton & Williams, and Joshua Harris, Director of Policy at TRUSTe. [Continue Reading...](#)

**Consumer Financial Protection Bureau Imposes First Ever Data Security Fine
March 3, 2016**

On March 2, 2016, the Consumer Financial Protection Bureau ("CFPB") reached a [settlement](#) with Dwolla, Inc. ("Dwolla"), an online payment system company, to resolve claims that the company made false representations regarding its data security practices in violation of the Consumer Financial Protection Act. Among other things, the consent order imposes a \$100,000 fine on Dwolla. This marks the first data security-related fine imposed by the CFPB. [Continue Reading...](#)

**JIPDEC Named Accountability Agent for APEC Cross-Border Privacy System
March 2, 2016**

On February 25, 2016, the Asia-Pacific Economic Cooperation ("APEC") issued a [press release](#) announcing the decision by the Joint Oversight Panel of the APEC Electronic Commerce Steering Group to approve the [Japan Institute for Promotion of Digital Economy and Community](#) ("JIPDEC") as a new "Accountability Agent" under the APEC [Cross-Border Privacy Rules](#) ("CBPR") system. Along with TRUSTe, JIPDEC will now be able to independently assess the compliance of companies under the APEC CBPR system. With this approval, Japan is now a fully operational participant in the APEC CBPR system. [Continue Reading...](#)

**How to Safeguard Privacy and Data Security in Corporate Transactions
March 1, 2016**

Personal information about consumers is the lifeblood of many organizations. Because of the potential value of the information, companies are increasingly focused on privacy and data security issues that arise in the context of mergers, acquisitions, divestitures and related transactions. In many corporate transactions, data is a critical asset that should be addressed as a key deal point. Unfortunately, too often personal data is transferred without consideration of the issues that otherwise might change the pricing of a deal – or kill it altogether. In a [recent article](#) published by *Corporate Counsel*, Hunton & Williams partner [Lisa J. Sotto](#) and associate [Ryan P. Logan](#) discuss the privacy and data security-related legal issues that arise in corporate transactions, and provide a how-to guide on addressing those issues during the various stages of a transaction.

[Download](#) a copy of the article.

**HHS Releases Guidance on Health Apps and HIPAA Security Rule Crosswalk
March 1, 2016**

Recently, the U.S. Department of Health and Human Services Office for Civil Rights (“OCR”) published two guidance documents related to HIPAA compliance. To help mobile app developers understand HIPAA compliance obligations, OCR published [guidance](#) on the use of mobile health apps (the “Health App Guidance”). OCR also released a [crosswalk](#) (the “Crosswalk”) that maps the National Institute of Standards and Technology (“NIST”) Framework for Improving Critical Infrastructure Cybersecurity Framework (the “NIST Cybersecurity Framework”) to the HIPAA Security Rule. [Continue Reading...](#)



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