

## July 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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### FTC Issues Updated COPPA FAQs July 31, 2013

On July 26, 2013, the Federal Trade Commission [announced](#) updates to its frequently asked questions regarding the Children's Online Privacy Protection Act of 1998 ("COPPA"). The [updated FAQs](#), which have replaced the June 2013 version on the FTC's Business Center website, provide additional information in the sections addressing websites and online services directed to children and disclosure of information to third parties. [Continue reading...](#)

### NTIA Multi-Stakeholder Process Yields Mobile App Transparency Code of Conduct July 30, 2013

On July 25, 2013, the U.S. Department of Commerce's National Telecommunications and Information Administration announced the release of the [Short Form Notice Code of Conduct to Promote Transparency in Mobile App Practices](#), which was developed through the [Privacy Multistakeholder Process: Mobile Application Transparency](#) convened by the Department of Commerce. The voluntary Code of Conduct provides guidance regarding short-form notices about the collection and sharing of

consumer information with third parties. Short-form notices that comply with the Code of Conduct generally must contain the following content: [Continue reading...](#)

### **Chinese Ministry of Industry and Information Technology Enacts New Privacy Regulations for the Telecommunications Sector** **July 30, 2013**

On July 16, 2013, the Ministry of Industry and Information Technology of the People's Republic of China (the "MIIT") issued a new rule entitled Provisions on the Registration of Real Identity Information of Telephone Users (the "Provisions"), which will take effect on September 1, 2013. The Provisions were issued pursuant to the [Resolution of the Standing Committee of the National People's Congress Relating to Strengthening the Protection of Information on the Internet](#) (the "Resolution") and the Telecommunications Regulations of the People's Republic of China. In [April 2013](#), the MIIT issued a draft of the Provisions and solicited public comment. [Continue reading...](#)

### **German DPAs Halt Data Transfer Approvals and Consider Suspending Transfers Based on Safe Harbor, EU Model Clauses** **July 25, 2013**

On July 24, 2013, the Conference of the German Data Protection Commissioners at both the Federal and State levels issued a [press release](#) stating that surveillance activities by foreign intelligence and security agencies threaten international data traffic between Germany and countries outside the EEA. [Continue reading...](#)

### **Commissioner Reding Criticizes Safe Harbor Framework** **July 23, 2013**

On July 18-19, 2013, the European Union Justice and Home Affairs Council [held](#) an [informal meeting](#) in Vilnius, Lithuania, where Viviane Reding, Vice-President of the European Commission and Commissioner for Justice, Fundamental Rights and Citizenship, openly criticized the [U.S.-EU Safe Harbor Framework](#). [Continue reading...](#)

### **Illinois AG Targets Health Websites Regarding Online Collection of Personal Information** **July 22, 2013**

On July 12, 2013, Illinois Attorney General Lisa Madigan [announced](#) that she sent letters to operators of eight popular health-related websites requesting information about the websites' online data collection practices. The Attorney General's press release underscored how individuals' health-related information shared online, which would be protected if disclosed in a traditional medical setting, "can be captured, shared and sold when online users enter their information into a website." The Attorney General also stated that "website disclosure about the extent to which information is captured or shared is buried in privacy policies not found on the websites' main pages." [Continue reading...](#)

### **Colombia Issues Secondary Regulations to Implement Data Protection Act** **July 17, 2013**

On July 12, 2013, during the [Centre for Information Policy Leadership's First Friday call](#), José Alejandro Bermúdez Durana, Deputy Superintendent for Data Protection for Colombia's Superintendency of Industry and Commerce, discussed the secondary regulations [issued on June 27, 2013](#) to implement Colombia's omnibus data protection law [enacted](#) in 2012. The Deputy Superintendent discussed key

aspects of the regulations, and provided information regarding additional regulations that are needed to implement binding codes of conduct. [Continue reading...](#)

### **New Approval Requirements for International Data Transfer Agreements in Belgium July 17, 2013**

On June 25, 2013, the Belgian Data Protection Authority (the “Privacy Commission”) and the Belgian Ministry of Justice agreed on a Protocol (in [French](#) and in [Dutch](#)) establishing new rules for the approval of international data transfer agreements. [Continue reading...](#)

### **Submission for ABA’s Blawg 100 Amici July 15, 2013**

The *American Bar Association Journal* is compiling a list of the [100 best legal blogs of 2013](#) and is inviting readers to submit nominations. Click the voting button below to submit a nomination for Hunton & Williams’ Privacy and Information Security Law Blog. *PR News* named Hunton & Williams’ Privacy Blog the Best Legal PR Blog of 2011.

Submissions are accepted through August 9, so please [vote!](#)

### **HHS Announces 1.7 Million Dollar Settlement with WellPoint for Potential HIPAA Privacy and Security Rule Violations July 12, 2013**

On July 11, 2013, the Department of Health and Human Services (“HHS”) [announced](#) a [resolution agreement](#) and \$1.7 million settlement with WellPoint Inc. following a security breach that affected over 600,000 individuals. [Continue reading...](#)

### **Stored Communications Act Can Apply to Reading Personal Emails on a Former Employee’s Company-Issued Device July 12, 2013**

On June 5, 2013, the United States District Court for the Northern District of Ohio [denied](#) an employer’s motion to dismiss, holding that the Stored Communications Act (“SCA”) can apply when an employer reads a former employee’s personal emails on a company-issued mobile device that was returned when the employment relationship terminated. The defendants, Verizon Wireless (“Verizon”) and the manager who allegedly read the plaintiff’s emails, argued that the SCA applies only to computer hacking scenarios, and that the plaintiff authorized the reading of her personal emails. The court rejected both of the arguments, finding: [Continue reading...](#)

### **European Parliament Adopts New Legislation to Fight Cyber Crime July 5, 2013**

On July 4, 2013, the European Parliament adopted new EU legislation to fight cyber crime. The Directive on attacks against information systems (the “Directive”) (see the Committee on Civil Liberties, Justice and Home Affairs’ [report](#) tabled for plenary), together with the launch of the [European Cybercrime Centre](#) and the adoption of the [EU cybersecurity strategy](#), will strengthen the EU’s overall response to cyber crime and contribute to improving cybersecurity for all EU citizens. [Continue reading...](#)

## **NIST Releases Preliminary Draft of Cybersecurity Framework July 3, 2013**

On July 1, 2013, the National Institute of Standards and Technology (“NIST”) issued a [preliminary draft outline](#) of the Cybersecurity Framework that is being developed pursuant to the Obama Administration’s February 2013 executive order, [Improving Critical Infrastructure Cybersecurity](#) (the “Executive Order”). [Continue reading...](#)

## **Indian Government Releases National Cyber Security Policy 2013 July 3, 2013**

On July 2, 2013, the Indian government released its ambitious [National Cyber Security Policy 2013](#). The development of the policy was prompted by a variety of factors, including the growth of India’s information technology industry, an increasing number of cyber attacks and the country’s “ambitious plans for rapid social transformation.” The policy sets forth 14 diverse objectives that range from enhancing the protection of India’s critical infrastructure, to assisting the investigation and prosecution of cyber crime, to developing 500,000 skilled cybersecurity professionals over the next five years. [Continue reading...](#)

## **Croatia Joins the European Union and Its Data Protection Regime July 1, 2013**

On July 1, 2013, the Republic of Croatia joined the European Union, increasing the number of EU Member States to 28. As of the day of its accession, Croatia must implement the *acquis communautaire* (the complete body of the EU legislation), which includes the [EU Data Protection Directive 95/46/EC](#) (“Data Protection Directive”). [Continue reading...](#)

## **Amended COPPA Rule Comes into Effect July 1, 2013**

Today, July 1, 2013, the Federal Trade Commission’s changes to the Children’s Online Privacy Protection Rule (the “Rule”) officially [come into effect](#). On December 19, 2012, the FTC [announced](#) that it had published the [amended Rule](#) following two years of public comments and multiple reviews of various proposed changes. [Continue reading...](#)



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