

# PRIVACY AND INFORMATION SECURITY LAW BLOG

GLOBAL PRIVACY AND CYBERSECURITY LAW UPDATES AND ANALYSIS

## July 2014

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.

Recent posts on the Privacy and Information Security Law blog include:

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## Nominate Hunton's Privacy Blog for the ABA Blawg 100 Amici July 31, 2014

Once again, the *American Bar Association Journal* is compiling its annual list of the [100 best legal blogs](#), and readers are invited to nominate blawgs they "read regularly and think other lawyers should know about." We would appreciate you showing your support by [submitting 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 will be accepted through Friday, August 8, so [please vote now!](#)

## Delaware Enacts New Data Destruction Law July 31, 2014

On July 1, 2014, Delaware Governor Jack Markell signed into law a [bill](#) that creates new safe destruction requirements for the disposal of business records containing consumer personal information. The new law requires commercial entities conducting business in Delaware to take reasonable steps to destroy their consumers' "personal identifying information" prior to the disposal of electronic or paper records. The law will take effect on January 1, 2015. [Continue reading...](#)

## **UK House of Lords Sub-Committee Criticizes the “Right to Be Forgotten” July 30, 2014**

The EU Sub-Committee on Home Affairs, Health and Education of the UK House of Lords has published its [Second Report](#) for 2013-14, entitled EU Data Protection Law: A ‘Right to Be Forgotten’? (the “Report”). The Report summarizes the findings of the Sub-Committee’s investigation into the right to be forgotten, and was triggered in large part by the European Court of Justice’s (“ECJ’s”) [decision](#) in *Google v. Costeja* (Case C-131/12, “*Costeja*”). In *Costeja*, the ECJ held that individuals have a right to request that their personal data no longer be displayed by online search engines in the results for searches made on the basis of the individual’s name, particularly if the information is inadequate, irrelevant or excessive (commonly referred to as the “right to be forgotten”). [Continue reading...](#)

## **Data Security Council of India Announces Vodafone India Limited as DSCI Privacy Certified Organization July 24, 2014**

On July 22, 2014, the [Data Security Council of India](#) (“DSCI”) [announced](#) that it has deemed Vodafone India Limited (“Vodafone”) a “DSCI Privacy Certified” organization. The certification, which is designed to help companies “demonstrate the privacy practices to relevant stakeholders and enhance trust,” is the first for a telecommunications company in India. [Continue reading...](#)

## **Hunton Global Privacy Update – July 2014 July 23, 2014**

On July 15, 2014, Hunton & Williams’ [Global Privacy and Cybersecurity practice group](#) hosted the latest webcast in its [Hunton Global Privacy Update](#) series. The program covered a number of privacy and data protection topics, including the recent judgment in the [Costeja case](#), the Centre for Information Policy Leadership’s work on a [risk-based approach to privacy](#), the new Canadian anti-spam legislation that went into effect on July 1, and other developments in the U.S. and EU. [Continue reading...](#)

## **New Cybersecurity Center to Be Established in Belgium July 22, 2014**

On July 17, 2014, the Belgian government announced that it has finalized its Royal Decree on the establishment of a Cybersecurity Center (*Centrum Cyber Security België* or *Centre Cyber Security Belgique*). The Cybersecurity Center’s tasks would be to monitor the country’s cybersecurity and manage cyber incidents. It also would oversee various cybersecurity projects, formulate legislative proposals relating to cybersecurity, and issue standards and guidelines for securing public sector IT systems. The Cybersecurity Center is expected to be operational by the end of 2014.

## **FTC Updates COPPA FAQs on Obtaining Verifiable Parental Consent July 22, 2014**

On July 16, 2014, the Federal Trade Commission [posted revisions](#) to its [Frequently Asked Questions](#) that provide guidance on complying with the Children’s Online Privacy Protection Rule (the “COPPA Rule”). The revisions, which are in Section H of the FAQs, address the COPPA Rule requirement that operators of certain websites and online services obtain a parent’s consent before collecting personal information online from a child under the age of 13. [Continue reading...](#)

## **UK ICO Releases Its Annual Report for 2013/2014 July 16, 2014**

On July 15, 2014, the UK Information Commissioner's Office ("ICO") [released](#) its [Annual Report](#) for 2013/14 (the "Report"). Entitled Effective, Efficient – and Busier than Ever, the Report illustrates the rapid growth of data protection and freedom of information issues in the UK in the past year. It highlights the fact that the ICO has received increasing numbers of questions and complaints from members of the public, processed record numbers of cases, and issued its highest ever level of fines, totaling almost £1.97 million. The Report also emphasizes the fact that the ICO's resources are stretched and, in a direct appeal to both the UK Parliament and the Ministry of Justice, calls for "stronger powers, a more sustainable funding system, and a clearer guarantee of independence." [Continue reading...](#)

## **UK Government Announces Emergency Data Retention Law July 15, 2014**

On July 10, 2014, the UK government [announced](#) plans to introduce emergency data retention rules, publishing the [Data Retention and Investigatory Powers Bill](#) (the "Bill") along with [explanatory notes](#) and [draft regulations](#). The publication of the Bill follows the European Court of Justice's April 2014 [declaration](#) that the EU Data Retention Directive (the "Directive") is invalid. Under the Directive, EU Member States were able to require communications service providers (e.g., ISPs) to retain communications data relating to their subscribers for up to 12 months. [Continue reading...](#)

## **French Data Protection Authority Announces Cookie Law Compliance Inspections to Begin in October July 14, 2014**

On July 11, 2014, the French Data Protection Authority (the "CNIL") announced that, starting in October 2014, it will conduct on-site and remote inspections to verify whether companies are complying with its [new guidance](#) on the use of cookies and other technologies. These inspections will take place in connection with the European "cookies sweep day" initiative, which will be launched from September 15 – 19, 2014. During that initiative, each EU data protection authority will review how users are informed of, and consent to the use of, cookies. [Continue reading...](#)

## **New Russian Data Localization Requirement Becomes Law July 11, 2014**

On July 9, 2014, Russia's Council of the Federation (the upper chamber of the Russian Parliament) approved Bill No. 553424-6 amending Russia's existing laws on privacy, information technology and protection of information. Media reports indicate that the bill, which had been [adopted](#) by the lower chamber of the Russian Parliament on July 3, 2014, was signed into law by President Vladimir Putin. The [Russian law firm ALRUD reports](#) that the law creates a new obligation to store personal data of Russian citizens only in Russia, meaning that companies located outside Russia "will be forced to place their servers within Russia if they plan to continue making business in the market."

The new law will come into force on September 1, 2016.

Update: On July 21, 2014, President Putin [signed the bill into law](#).

## **FTC Files Complaint Against Amazon.com for Unauthorized In-App Charges in Kids' Apps July 11, 2014**

On July 10, 2014, the Federal Trade Commission [announced](#) that it filed a [complaint](#) against Amazon.com, Inc. (“Amazon”) for failing to obtain the consent of parents or other account holders prior to billing them for in-app charges incurred by children. According to the complaint, Amazon, which offers children’s apps through its Appstore, bills Amazon account holders in real money for virtual items that children obtain within an app (i.e., “in-app” charges). [Continue reading...](#)

**Florida Amends Breach Notification Law to Cover Health Data, Tighten Notice Deadline and Require State Regulator Notification  
July 10, 2014**

On June 20, 2014, Florida Governor Rick Scott signed a [bill](#) into law that repeals and replaces the state’s existing breach notification statute with a similar law entitled the Florida Information Protection Act (Section 501.171 of the Florida Statutes) (the “Act”). [Continue reading...](#)

**PCLOB Report Concludes NSA’s Non-U.S. Surveillance Program Is Lawful  
July 3, 2014**

On July 2, 2014, the Privacy and Civil Liberties Oversight Board (“PCLOB”) [held a public meeting](#) to finalize the release of a [report](#) concluding that the National Security Agency’s (“NSA’s”) collection of electronic communications from targets reasonably believed to be non-U.S. persons located outside the United States has operated lawfully within its statutory limitations. [Continue reading...](#)

**Federal German Court Ruling Protects Online Anonymity in Civil Proceedings  
July 1, 2014**

On July 1, 2014, the Federal Court of Justice of Germany [ruled](#) that website operators cannot be compelled to disclose a user’s personal data to third parties in the context of civil defamation proceedings. The case is notable as it clarifies the limits Germany’s Telemedia Act places on how and when personal data can be disclosed in an online context. [Continue reading...](#)



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