

Data Protection Ireland

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‘Stricter and tougher to navigate’ — LIBE Committee’s proposals

The long awaited LIBE Committee’s report on the Data Protection Regulation has now been made available, flabbergasting experts with its even stricter and tougher to implement proposals.

“What was already a very complex piece of draft legislation has become by far the strictest, most wide ranging and potentially most difficult to navigate data protection law ever to be proposed,” commented Eduardo Ustaran, Partner at Field Fisher Waterhouse.

Amongst the wide ranging and far reaching recom-

mendations, the LIBE Committee has proposed expanding the obligation for organisations to appoint Data Protection Officers. Under the draft Regulation, the appointment of one or more DPOs is required for all public bodies, as well as enterprises (private sector) with more than 250 employees, or those whose core activities involve regular and systematic monitoring of data subjects. The Committee now says that the obligation for mandatory DPOs should kick in for enterprises that (whatever their size) process personal data

relating to 500 or more individuals per year.

“This will significantly increase the number of enterprises that will need to engage a DPO when the new law comes into force. Very small companies that process data on large numbers of customers will be included,” commented Peter Carey, Head of the Examination Board for the Practitioner Certificate in Data Protection.

Other measures introduced in the draft Regulation that have

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EU proposes ban on BCRs and model clauses for cloud computing

A European Parliament report has said that EU businesses should not be allowed to use existing mechanisms for protecting personal data when sent outside the EU in relation to cloud computing services.

The publication of the report follows the controversy surrounding the recently renewed US Foreign Intelligence Amendments Act, which grants the US government sweeping powers to collect foreign

intelligence information stored in US cloud computing providers like Amazon or Google.

The report was ordered by the European Parliament’s Committee on Civil Liberties, Justice and Home Affairs (LIBE). It recommends that businesses should be prevented from using model contract clauses and binding corporate rules (BCRs) as mechanisms for processing personal data in the

cloud because those arrangements do not prohibit US law enforcement bodies from gaining access to that information.

The report also asks that existing derogations are disapplied for the cloud, and that the EU should “open new negotiations with the US for recognition of a human right to privacy which grants Europeans equal protections in US courts.”

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