

Data Protection Ireland

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Headlines

- EP ‘not very happy’ with DPC, p.18
- DPC submits its draft decision on Meta, p.19
- DPC identifies eight risks on latest risk register, p.20

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US signs order to implement EU data sharing framework

US President Joe Biden has signed an executive order to implement the EU-US data transfer framework announced in March 2022, potentially ending the uncertainty in which thousands of companies now find themselves following the Court of Justice of the EU’s ruling in *Schrems II* (C-311/18).

European Commissioner for Justice Didier Reynders said he was “quite sure” there would be a fresh legal challenge, but he was confident that the pact met the demands of the Court. “We have a real improvement relative to the Privacy Shield.... It’s totally different. Maybe

the third attempt will be the good one”, he said.

Reynders said it would take about six months to complete a complex approval process. US Commerce Secretary Gina Raimondo said that the US will now transmit a series of letters to the EU from US agencies outlining the operation and enforcement of the framework that will form the basis for the European Commission’s assessment in a new adequacy decision.

The EU is expected to issue its adequacy decision by the Spring of next year. On the same day the executive order was

signed, the Commission issued a series of ‘Q&As’ about the deal (www.pdp.ie/docs/11054).

Addressing how the new redress mechanism is different from the previous Privacy Shield Ombudsperson, the Q&As highlight that the order establishes a new two-layer redress mechanism, with independent and binding authority.

Under the first layer, EU individuals will be able to lodge a complaint with the ‘Civil Liberties Protection Officer’ of the US intelligence community. This

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Online adtech practices remain in limbo following Belgian Court’s referral

The uncertainty created by the February 2022 decision from the Belgian regulator regarding IAB Europe’s ‘best practice’ framework for obtaining consents for behavioral advertising will continue for years, after a Belgian Court referred legal questions from IAB’s appeal to the Court of Justice of the EU.

Earlier in 2022, the Belgian Supervisory Authority fined IAB Europe

€250,000 for various GDPR infringements in relation to its Transparency and Consent Framework (‘the TCF’).

The TCF has been in widespread use in the adtech industry since August 2019. Its central objective has been to help publishers, vendors and consent management platforms (‘CMPs’), as well as other players in the online ecosystem such as advertisers and

agencies, meet the requirements of the GDPR and the ePrivacy rules, most notably the requirements to be transparent about the collection of personal data, and to collect consent for the use of cookies and other tracking technology, particularly in the context of the architecture of the real-time bidding (‘RTB’) protocol, OpenRTB.

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