

Monitoring Report – 03/05/2019 (No. 12 of 2019)

The efamro monitoring report covers selected legal and regulatory developments and events in data protection of particular interest to the European research sector.

Slow news week in light of Labor Day but regulatory enforcement in Denmark and Greece offers universal points to remember for a good GDPR compliance approach on data minimisation including short retention periods.

The Greek authority took action against a company that engaged a vendor to conduct a study on its behalf. The study was exposed online, and its results—which included sensitive data such as political opinions, trade union membership and participation in associations—was publicly accessible on the Internet. Danish action was taken for failure to fully delete personal data from records.

The Belgian and French DPA's have published their 2018 Activity Reports highlighting, as expected, significant increase in activity, after implementation of the GDPR. UK ICO continues its blog series on artificial intelligence.

IAB Europe has announced changes to the transparency & consent framework.

Regulatory Enforcement

Denmark – GDPR fine imposed on taxi company

Denmark's Data Protection Authority Datatilsynet issued their first GDPR fine to the taxi company, Taxa 4×35 (Taxa) for violations of the GDPR. The Authority found the company did not adhere to GDPR's data-minimisation principle as although it deleted the names from all its records after two years, the rest of the ride records remained intact.

Source: Bloomberg Law

URL: <https://news.bloomberglaw.com/privacy-and-data-security/denmark-recommends-first-fine-under-new-eu-privacy-law> (Registration may be required)

Greece – GDPR fine

Hunton Andrews Kurth reports that Greece's Hellenic Data Protection Authority fined Hellenic Petroleum 30,000 euros for data protection law violations, Law Blog. Hellenic Petroleum S.A. had engaged a vendor to conduct a study on its behalf. The study was exposed online, and its results—which included sensitive data such as political opinions, trade union membership and participation in associations—was publicly accessible on the Internet.

The DPA deemed Hellenic Petroleum S.A. to be the data controller and the vendor to be the data processor and, as such, Hellenic Petroleum S.A. was responsible for its vendor's processing of the personal data. The DPA also concluded that the processing of sensitive data took place without a legal basis and absent the DPA's permission. In addition, the DPA held Hellenic Petroleum S.A. responsible for failing to ensure appropriate technical and organizational measures had protected the data. The decision (in Greek) applied local data protection law applicable pre-GDPR. Decision in Greek available here: https://www.huntonprivacyblog.com/wp-content/uploads/sites/28/2019/04/7_2019anonym.pdf

Source: Hunton Andrews Kurth

URL: https://www.huntonprivacyblog.com/2019/04/24/greek-dpa-issues-eur-30000-fine-for-data-protection-violation/?mkt_tok=eyJpIjoiTjJObFpUUTRNlW1WTJVeSIsInQiOiJLWER5UDljS1BtaWRseG9uRWlFblJGd3FZMjNrUjBmcoFEQVR1R3MzbnJ6U3ZabWpYcWNJZFJkRUN5QnpcLoplUkJRNTJEdVM

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Regulatory Activity

France – CNIL (French DPA) publishes 2018 Annual Report

On April 15 2019, the French Data Protection Authority (the "CNIL") released its 2018 Annual Report. Report available [here](#) (in French).

Source: CNIL

URL: <https://www.cnil.fr/fr/presentation-du-rapport-dactivite-2018-et-des-enjeux-2019-de-la-cnil>

Belgium – Belgian DPA publishes 2018 Report

On April 29, 2019 the Belgian Data Protection Authority published its 2018 Annual Activity Report. Available in [French](#) and [Dutch](#) as well as the press release in [French](#) and [Dutch](#). The Commission highlighted a 46% increase in cases (445 were data breach notifications and of those 28.09% were due to human error and 22.7% hacking, phishing and malware). There was also an increase in requests for opinions from 90 in 2017 to 215 in 2018.

Source: APD

URL: <https://www.gegevensbeschermingsautoriteit.be/jaarverslag-rapport-annuel/fr/index.html>

United Kingdom– Artificial Intelligence The Role of Meaningful Human Reviews

In [AI framework blog](#), ICO explores how organisations can ensure ‘meaningful’ human involvement to make sure AI decisions are not classified as solely automated by mistake.

Source: ICO

URL: <https://ai-auditingframework.blogspot.com/2019/04/automated-decision-making-role-of.html>

Stakeholder GDPR Developments

IAB Europe– Update Transparency and Consent Specifications

IAB Europe and IAB Tech Lab are updating the technical specifications for a framework aimed at helping online companies comply with Europe's privacy laws.

The General Data Protection Regulation, which took effect last year in the EU, requires companies to obtain consumers' consent before drawing on their personal data. Among other provisions, the law requires ad companies to obtain consumers' "unambiguous consent" before using their data for ad targeting.

The Transparency & Consent Framework, first unveiled last year, aims to serve as a standardized technology for notifying consumers about data collection, obtaining their consent, and informing online ad companies about that consent.

Among other changes, the new specs enable publishers to ask consumers whether they consent to the use of their data for 12 purposes -- including personalized ads, personalized content and measurement of ad performance.

The original consent mechanism only enabled consumers to agree to the use of their data for five purposes. The updated standard also enables publishers to restrict ad tech companies' use of consumers' data. That functionality doesn't directly stem from the GDPR's requirements, but is instead aimed at giving publishers more control over ad tech vendors. The IAB will accept comments on the new standard for 30 days, and expects to finalize the specs between June and July, depending on members' feedback.

Source: Media Post

URL: <https://www.mediapost.com/publications/article/334969/iab-europe-updates-transparency-and-consent-specs.html>

Upcoming Events

May 2019

Exploring the Privacy and Data Protection connections

14th May, Brussels

The Law, Science, Technology and Society (LSTS) Research Group and the Brussels Privacy Hub are organising an [international workshop](https://brusselsprivacyhub.eu/events/article%207%208%20workshop.html) entitled Exploring the Privacy and Data Protection connection: International Workshop on the Legal Notions of Privacy and Data Protection in EU Law in a Rapidly Changing World.

URL: <https://brusselsprivacyhub.eu/events/article%207%208%20workshop.html>

June 2019

IPEN Rome Workshop 2019 - Towards an operational definition of state of the art in data protection by design – Current state and future trends

12th June, Rome

The Internet Privacy Engineering Network (IPEN) aims to bring together privacy experts from engineering fields with those of other disciplines, such as law, policy, economics etc.

The objective of this cooperation is to achieve an understanding of the technological requirements of privacy by design between all experts, which allows designers and developers to understand which privacy related choices they have in the design process, and how they should integrate privacy and data protection criteria in the decisions they take during the process. At the same time, any other parties involved in the design and development process, or concerned with its outcome, such as business managers, marketers, regulators and privacy counsels of DPOs in organisation should understand what the technological options are. The different groups involved should develop a common language which allows them to communicate about obligations, requirements, options and choices in a meaningful way.

Since the entry into force of the European Union's General Data Protection Regulation (GDPR), the need to consider data protection in the design of technological solutions changed from a best practice and implicit necessity into a legal obligation. Therefore, Both controllers and developers and operators of data processing operations on the one side and regulators and legal experts on the other side need to understand what should be considered "state of the art" in "data protection by design", what is below standard, and what is advancing the level of data protection.

Up till now, IPEN supported a general exploration of the concepts at stake, clarified their interpretation, and provided a platform for showcasing available privacy friendly solutions.

The next step is to get more specific and to identify what the state of the art in data protection by design is and will be in concrete and specific fields of application. In this workshop, we will launch a discussion on this issue for several areas of application. We are currently working on the draft agenda, which will provide further details. The IPEN workshop will aim to produce first drafts of concrete privacy enhancing measures for each of the areas addressed, covering the current state of the art as well as promising developments. The discussion will not be exhaustive. In addition to the field specific analysis, we will also learn about the usability of this approach for wider and other areas than those covered in the workshop.

Registration details

The workshop is free of charge. Participants will carry their own expenses.

To register for the workshop, please send an email to ipen@edps.europa.eu

URL: https://edps.europa.eu/ipen-rome-workshop-2019_en

October 2019

European Big Data Value Forum 2019

14th - 16th October, Helsinki Finland

The European Big Data Value Forum (EBDVF) is the main event of the European Big Data and Data-Driven Artificial Intelligence (AI) Research and Innovation community.

In its **first edition in 2017**, the EBDVF was held in Versailles, France, and it was co-organised by the BDVA, the European Commission and INRIA, a local organizing BDVA member company. 900 participants and 40+ sponsors join the events focused on "Trusted AI on Smart Industry". **Last year edition**, EBDVF was an official event of the Austrian Presidency of the Council of the EU and it was organised by the Federal Ministry of Transport, Innovation and Technology in cooperation with BDVA and the European Commission. The event, with the theme of "Data-Driven AI for the future" attracted more than 600 industry professionals, business developers, researchers, and policymakers from 40 different countries, to discuss the challenges and opportunities.

The [European Big Data Value Forum 2019](#) aims to continue the success of previous editions, where on average every year around 700 industry professionals, business developers, researchers, and policymakers coming from 40 different countries attended the event.

The organising committee of this event includes, in addition to [BDVA](#), the [EC](#) and [VTT](#), multiple Finnish industrial, Innovation and Research players as well as international companies and other research institutions.

Read more: [More information](#)