

Monitoring Report – 10/05/2019 (No. 13 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.

Processing personal data of Spanish data subjects? Check the list published by the Spanish DPA on activities which require a Data Protection Impact Assessment.

Useful background on certification mechanisms in new research publication from the EU Commission on certification schemes and data seals.

US research industry organisation the Insights Association has updated its code of standards and ethics for marketing research and data analytics.

Enforcement activity in Norway and UK focused on public authorities highlighting need for appropriate security measures and lawful processing of biometric data, in this case using voice identification systems.

Regulatory Guidance

EU Commission– Data Certification Mechanisms

The General Data Protection Regulation 679/2016 (GDPR) provides a number of new instruments to help data controllers demonstrate compliance with its provisions. The certification mechanisms introduced in Articles 42 and 43 GDPR are among these new instruments.

The overall aim of the study is to support the establishment of data protection certification mechanisms and of data protection seals and marks pursuant to Articles 42 and 43 GDPR. More specific the purpose of the assignment is to: i) accompany the establishment of data protection certification mechanisms and of data protection seals and marks pursuant to Art. 42 and 43 GDPR and ii) collect all relevant information for the Commission in view of the possible implementation of Art. 43(8) GDPR on the requirements for the data protection certification mechanisms and of Article 43(9) GDPR on the technical standards for certification mechanisms and data protection seals and marks, and for mechanisms to promote and recognise those certification mechanisms, seals and marks.

Please find here the full report. <https://publications.europa.eu/en/publication-detail/-/publication/5509b099-707a-11e9-9f05-01aa75ed71a1/language-en/format-PDF>

Spain – Processing requiring DPIA

Bird and Bird reports that the Spanish Data Protection Agency ("AEPD") released last 6th May a list of processing operations for which it is necessary to carry out a privacy impact assessment.

Please find list available here: https://www.twobirds.com/en/news/articles/2019/spain/spanish-data-protection-agency-publishes-list-of-processing-operations?mkt_tok=eyJpIjoiTWpabU5qZGpaR1EoTVdNMCIzInQiOiJoSkRjSkIPMkVWZnJROG9ZVThseGF6XC9lWU8rM2d5cnFsS284R2xoNGhpbHlYMVwvV29CK25iWURMU2lacjg5VmdzRkFuWlFXYjVRSTRXXC9yUkYJYaldxeEpzdUUoTW5tYUZZJM3hCMUZ1b1ZZVHBndHhkdnFHNHdwZDhEQ2pNOVNtQSJ9

Regulatory Enforcement

Norway Datatilsynet – Norwegian Supervisory Authority fines municipality 170K euros for GDPR violations

The Norwegian Supervisory Authority (Datatilsynet) has imposed an administrative fine of 1.6 million Norwegian kroner, or the equivalent of 170.000 €, on the Municipality of Bergen. The incident relates to computer files with usernames and passwords to over 35000 user accounts in the municipality's computer system. The user accounts related to both pupils in the municipality's primary schools, and to the employees of the same schools. Due to insufficient security measures, these files have been unprotected and openly accessible. The lack of security measures in the system made it possible for anyone to log in to the school's various information systems, and thereby to access various categories of personal data relating to the pupils and employees of the schools.

More information available here: <https://www.datatilsynet.no/en/about-privacy/reports-on-specific-subjects/administrative-fine-of-170.000--imposed-on-bergen-municipality/>

UK ICO – Biometric Data (Voice Data) collected unlawfully by HMRC to be deleted

An ICO investigation into HMRC's Voice ID service was prompted by a complaint from Big Brother Watch about the department's conduct. The investigation focused on the use of voice authentication for customer verification on some of HMRC's helplines since January 2017.

The ICO found that HMRC failed to give customers sufficient information about how their biometric data would be processed and failed to give them the chance to give or withhold consent. This is a breach of the General Data Protection Regulation.

The ICO issued a preliminary enforcement notice to HMRC on April 4, 2019 stating the Information Commissioner's initial decision to compel the department to delete all biometric data held under the Voice ID system for which it does not have explicit consent.

The ICO will issue its final enforcement notice next week giving HMRC 28 days from that date to complete deletion of relevant records.

Steve Wood, Deputy Commissioner at the ICO, said :We welcome HMRC's prompt action to begin deleting personal data that it obtained unlawfully. Our investigation exposed a significant breach of data protection law – HMRC appears to have given little or no consideration to it with regard to its Voice ID service. "Innovative digital services help make our lives easier but it must not be at the expense of people's fundamental right to privacy. Organisations must be transparent and fair and,

when necessary, obtain consent from people about how their information will be used. When that doesn't happen, the ICO will take action to protect the public."

The ICO's investigation was carried out under the GDPR, new rules that came into force last year. Under the GDPR, biometric data is considered special category information and is subject to stricter conditions.

International Research Standards and Ethics

US Insights Association – New Code published

The research industry organisation the Insights Association has updated its code of standards and ethics for marketing research and data analytics.

The updated code, which undergoes a review every year, has been approved by the association's board of directors. All Insights Association members are required to abide by the code.

Following last year's Cambridge Analytica and Facebook scandal and the introduction of GDPR, one of the aims of this year's review was to ensure that the code is applicable and practical, not just theoretical.

The other aims of this year's review were to:

More fully include data analytics and secondary data alongside the code's primary research tenets

Make the code as modern and forward-looking as possible

Create simple, broad and flexible criteria in consideration of new Insights Association members using data analytics and secondary data to generate insights

Not be partisan toward or against any methodology or data source.

David Almy, chief executive, Insights Association, said: "Each year we seek to improve our code through a comprehensive review by a team of expert practitioners. Cognisant of the continued transformation of the insights industry and the increasing role of secondary data and analytics, the result is a clearer, tighter and more inclusive standard which better recognises the increasing role of new methodologies and data sources in the creation of insights."

Code available here: <https://www.insightsassociation.org/insights-association-code-standards-and-ethics-market-research-and-data-analytics>

Judicial Proceedings

Ireland – Ruling expected on Facebook data transfers

The Irish Times reports that the Supreme Court will rule by June 6th on Facebook's appeal over a High Court decision to refer key issues concerning the validity of European Commission decisions approving European Union-United States data transfer channels to the European Court of Justice (CJEU).

The referral was made by the High Court in proceedings by the Data Protection Commissioner arising from complaints by Austrian lawyer Max Schrems that the transfer of his personal data by Facebook to the US breached his data privacy rights as an EU citizen.

The core issue the Supreme Court must decide in Facebook's appeal, heard last January with judgment reserved, is whether there is any right to appeal over a referral decision.

Source: Irish Times

URL: https://www.irishtimes.com/business/technology/supreme-court-to-rule-on-facebook-data-transfer-appeal-1.3878700?mkt_tok=eyJpIjoiTlRneVlqVXhNVEo1WkdJMCIsInQiOiJcL2xzUU1JTjJHZoswSmpSSo wzNE12Too1MVUxMmVLTmdSSos3TGpmbFZmUDRDWE9VSGlWUzlZXC9EeStRbohcl3ZuckNwT 2tnaXMxcWMra1pBeEhBUmFNdjQyemIycnpTTTBNYkdqNUxZOEQrNkxCRIUodjVmbUhYZk3NTJiT3lnVCJ9

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

First European AI Alliance Assembly

26th June, Brussels

The first European Artificial Intelligence (AI) Alliance Assembly will mark the one year anniversary of the creation of the European AI Alliance platform. It will bring together stakeholders, including citizens, and policymakers during a full day event. The aim is to discuss the latest achievements in AI policy as well as future perspectives of the European Strategy on Artificial Intelligence, including its impact on the economy and society.

During the event, the [High-Level Expert Group on Artificial Intelligence](#) (AI HLEG), which is the AI Alliance's steering group, will present two important milestones of its work:

- the Policy and Investment Recommendations on AI, addressed to the European Commission and Member States
- the Launch the [piloting process](#) of the [AI Ethics Guidelines](#) presented during the Digital Day 2019

The second part of the day will allow participants to take part in interactive workshops on the next steps of the European AI Strategy. The workshop discussions will serve as an input to future policy making.

How to participate

The event is open to all, yet priority will be given to the members of the European AI Alliance and stakeholders interested in piloting the AI Ethics Guidelines. Registrations will be assessed on a case-by-case basis to ensure a balanced representation.

More information and registration form will be available soon.

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](#)