



## Monitoring Report 8/2020



### Guidelines 05/2020 on consent

The European Data Protection Board released updated guidelines for consent under the EU General Data Protection Regulation. In particular, the guidelines aim to bring clarity on data subject consent in relation to cookie walls and whether web page browsing can be considered user consent. In regards to browsing and consent, the EDPB does not consider scrolling through a website to be an official form of consent because of the ambiguity associated with characterizing user activities.

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**Autorité de protection des données**

### Belgian DPA Sanctions Company for Non- Compliance with the GDPR's DPO Requirements

On April 28, 2020, the Litigation Chamber of the Belgian Data Protection Authority (the "Belgian DPA") imposed a €50,000 fine on a company for non-compliance with the requirements under the General Data Protection Regulation ("GDPR") related to the appointment of a data protection officer ("DPO").

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**Autorité de protection des données**

### The need to avoid unwanted effects

The Belgian DPA issues a decision relating to a data breach and the data controller's obligation to conclude a controller-processor agreement in a timely manner. In particular, the Decision concerns a case in which the defendant had suffered a data breach in which the personal data of more than 32,000 individuals was compromised.

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### The future of digital advertising: behavioural vs. contextual advertising



### EU: A fit-for-all approach to cookies

Considering local disparities with

The entry into force of the General Data Protection Regulation combined with the anticipation for the (expected) approval of the proposed ePrivacy Regulation has set a new tone for data privacy. Pedro Marques Gaspar, Legal Counsel & Data Protection Coordinator at Accor SA, discusses the impact of the reformed regulatory landscape on the adtech sector and, in particular, compares and contrasts the currently prevalent approach of behavioural advertising with a new solution in the form of contextual advertising.

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regards to privacy and cookies regulations, and prior to the long-awaited approval of an EU regulation homogenising national rules, what would be a universal approach for the usage of cookies across the EU? Dmitry Alekseev, Senior Associate at ECIIA, discusses the varying approaches taken in this area by Member State supervisory authorities and how these may be consolidated.

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## ARTHUR COX

### COVID-19: Practical Considerations: Health Research

In this briefing, we consider the expedited review process for COVID-19 related research studies, and the recent guidelines of the European Data Protection Board (“EDPB”) on the processing of health data for the purpose of scientific research in the context of the COVID-19 outbreak (the “Guidelines”).

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## ALLEN & OVERY

### Data as a critical asset in the health sector

The collection of vast sets of data and their subsequent valuation and monetisation has become a driving force in the global economy. Technologies that can generate, analyse and deploy this growing quantity of information are being adopted increasingly across public and private organisations. Stakeholders from across the value chain are becoming more aware of the opportunities provided when technologies like data analytics and artificial intelligence are applied to the exponential volume of data being created in our digital world.

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