

# PRIVACY & INFORMATION SECURITY LAW BLOG

Global Privacy and Cybersecurity Law Updates and Analysis



## February 2017

This Client Alert is a monthly update on privacy and cybersecurity developments as posted on Hunton & Williams' [Privacy and Information Security Law Blog](#). If you would like to receive email alerts when new posts are published, please visit our [blog](#) and enter your email address in the subscribe field.

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### **CNIL Launches New Public Consultation on the GDPR February 28, 2017**

On February 23, 2017, the French Data Protection Authority ("CNIL") launched an [online public consultation](#) on three topics identified by the Article 29 Working Party ("Working Party") in its [2017 action plan](#) for the implementation of the [EU General Data Protection Regulation](#) ("GDPR"). The three topics are consent, profiling and data breach notification. [Continue Reading...](#)

### **FTC Announces Settlements with Three Companies Accused of Deceiving Consumers About Participating in APEC CBPR Program February 23, 2017**

On February 22, 2017, the Federal Trade Commission [announced](#) that it had reached settlement agreements ("the Proposed Agreements") with three U.S. companies charged with deceiving consumers about their participation in the Asia-Pacific Economic Cooperation Cross-Border Privacy Rules ("APEC CBPR") system. The three companies are Sentinel Labs, Inc. (which provides endpoint protection software), SpyChatter, Inc. (which markets a private messaging app) and Vir2us, Inc. (which distributes cybersecurity software). [Continue Reading...](#)

## **Article 29 Working Party Clarifies Process for Resolving Privacy Shield Complaints February 23, 2017**

On February 20, 2017, the Article 29 Working Party (“Working Party”) issued a template [complaint form](#) and [Rules of Procedure](#) that clarify the role of the EU Data Protection Authorities (“DPAs”) in resolving [EU-U.S. Privacy Shield](#)-related (“Privacy Shield”) complaints. [Continue Reading...](#)

## **Health Insurer Reaches Privacy Settlement with New Jersey Division of Consumer Affairs February 22, 2017**

On February 17, 2017, Horizon Blue Cross Blue Shield of New Jersey (“Horizon”) agreed to pay \$1.1 million as part of a settlement with the New Jersey Division of Consumer Affairs (the “Division”) regarding allegations that Horizon did not adequately protect the privacy of nearly 690,000 policyholders. [Continue Reading...](#)

## **OCR Settlement Emphasizes Importance of Audit Controls February 22, 2017**

On February 16, 2017, the U.S. Department of Health and Human Services’ Office for Civil Rights (“OCR”) [entered](#) into a resolution agreement with Memorial Healthcare System (“Memorial”) that emphasized the importance of audit controls in preventing breaches of protected health information (“PHI”). The \$5.5 million settlement with Memorial is the fourth enforcement action taken by OCR in 2017, and [matches](#) the largest civil monetary ever imposed against a single covered entity. [Continue Reading...](#)

## **CIPL Submits Comments to Article 29 Working Party’s Proposed Guidelines February 21, 2017**

On February 15, 2017, the Centre for Information Policy Leadership (“CIPL”) at Hunton & Williams LLP submitted two sets of formal comments to the Article 29 Working Party (the “Working Party”). CIPL commented on the [Guidelines for identifying a controller or processor’s lead supervisory authority](#) (“Lead Authority Guidelines”), and on the [Guidelines on the right to data portability](#) (“Data Portability Guidelines”). Both were adopted by the Working Party on December 13, 2016, for public consultation. [Continue Reading...](#)

## **Australia Enacts New Data Breach Notification Law February 21**

On February 13, 2017, the Parliament of Australia passed [legislation](#) that amends the Privacy Act of 1988 (the “Privacy Act”) and requires companies with revenue over \$3 million AUD (\$2.3 million USD) to notify affected Australian residents and the Australian Information Commissioner (the “Commissioner”) in the event of an “eligible data breach.” [Continue Reading...](#)

## **European Data Protection Supervisor Publishes Priorities for 2017 February 17, 2017**

On February 15, 2017, the European Data Protection Supervisor (“EDPS”) [published](#) its Priorities for 2017 (the “EDPS Priorities”). The EDPS Priorities consist of a [note](#) listing the strategic priorities and a color-coded [table](#) listing the European Commission’s proposals that require the EDPS’ attention, sorted by level of priority. [Continue Reading...](#)

## **China Publishes Draft Measures for Security Review of Network Products and Services February 16, 2017**

On February 4, 2017, the Cyberspace Administration of China published a draft of its proposed *Measures for the Security Review of Network Products and Services* (the “Draft”). Under the [Cybersecurity Law of China](#), if an operator of key information infrastructure purchases network products and services that may affect national security, a security review is required. The Draft provides further hints of how these security reviews may actually be carried out, and is open for comment until March 4, 2017. [Continue Reading...](#)

## **CIPL to Hold Next GDPR Implementation Workshop in Madrid February 13, 2017**

On March 6 and 7, 2017, the Centre for Information Policy Leadership (“CIPL”) at Hunton & Williams LLP and over 100 public and private sector participants in CIPL’s GDPR Implementation Project will convene in Madrid, Spain, for CIPL’s third major GDPR implementation workshop. [Continue Reading...](#)

## **DPA of Argentina Issues Draft Data Protection Bill February 9, 2017**

As previously published on the [Data Privacy Laws blog](#), Pablo A. Palazzi, partner at Buenos Aires law firm Allende & Brea, provides the following report.

Earlier this month, the Argentine Data Protection Agency (“DPA”) posted the first draft of a new [data protection bill](#) (the “Draft Bill”) on its website. Argentina’s current data protection bill was enacted in December 2000. Argentina was the first Latin American country to be [recognized](#) as an adequate country by the European Union. [Continue Reading...](#)

## **House of Representatives Passes Email Privacy Act February 9, 2017**

On February 6, 2017, the House of Representatives suspended its rules and passed by voice vote [H.R. 387](#), the Email Privacy Act. As we [previously reported](#), the Email Privacy Act amends the Electronic Communications Privacy Act (“ECPA”) of 1986. In particular, the legislation would require government entities to obtain a warrant, based on probable cause, before accessing the content of any emails or electronic communications stored with third-party service providers, regardless of how long the communications have been held in electronic storage by such providers. [Continue Reading...](#)

## **FTC Announces Settlement Regarding Collecting Consumer TV Viewing Data February 7, 2017**

On February 6, 2017, the FTC [announced](#) that it has agreed to settle charges that VIZIO, Inc. (“VIZIO”), installed software on about 11 million consumer televisions to collect viewing data without consumers’ knowledge or consent. The stipulated federal court order requires VIZIO to pay \$2.2 million to the FTC and New Jersey Division of Consumer Affairs. [Continue Reading...](#)

## **OCR Issues Penalty for Noncompliance with HIPAA Privacy and Security Rules February 3, 2017**

On February 1, 2017, the U.S. Department of Health and Human Services' Office for Civil Rights ("OCR") [announced](#) a \$3.2 million civil monetary penalty against Children's Medical Center of Dallas ("Children's") for alleged ongoing violations of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") Privacy and Security Rules, following two consecutive breaches of patient electronic protected health information ("ePHI"). This is the third enforcement action taken by OCR in 2017, following the respective actions taken against [MAPFRE Life Insurance of Puerto Rico](#) and [Presence Health](#) earlier in January. [Continue Reading...](#)

## **UK Government Quizzed on GDPR Implementation and Post-Brexit Data Protection February 3, 2017**

On February 1, 2017, Matt Hancock, the UK Government Minister responsible for data protection, was [questioned](#) by the House of Lords committee on the UK's implementation plan of the [EU General Data Protection Regulation](#) ("GDPR") in the context of the UK's looming exit from the EU. In responding to the questioning, Hancock revealed further details into the UK Government's position on implementing the GDPR into UK law. [Continue Reading...](#)

## **UK Government Releases Plan for Exiting the EU February 2, 2017**

On February 2, 2017, the UK government published a white paper entitled [The United Kingdom's exit from and new partnership with the European Union](#) (the "white paper"). The white paper strikes a conciliatory tone, making it clear that the UK intends to maintain close ties with the European Union and its 27 remaining Member States after Brexit. A large portion of the white paper is devoted to discussing the issues at the heart of the 2016 Brexit referendum, such as immigration controls, continuing trade with the EU and the protection of individuals' rights conferred under EU law. Among the rights addressed is the free flow of personal data between the UK and the EU. [Continue Reading...](#)



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