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DATA PROTECTION & PRIVACY INFORMATION WORLDWIDE

Privacy Shield up and running and surviving initial hurdles

The EU-US Privacy Shield is valid for now but a DPA assessment is due in September. In the meantime, US-based companies are self-certifying and DPAs are preparing to deal with complaints. By **Laura Linkomies** and **Stewart Dresner**.

The Privacy Shield has now been adopted by some 1,800+ US-based companies, and the Department of Commerce is currently reviewing an additional 300+ companies' applications. Half of these companies are Small and

Medium Enterprises. So on the US side, the programme is being adopted more widely, and can be seen as successful in terms of take-up. To compare, the EU-US Safe Harbor

Continued on p.3

Argentina to update its data protection law

Argentina's Data Protection Authority has proposed reforms to the current law which the government has accepted, explains its Director, **Eduardo Bertoni**.

Argentina's Data Protection Law (25.326) was passed in October 2000 and entered into force one year later. Technological changes that have taken place during the last 16 years have had an impact on the protection of personal

data and triggered new possible violations of the right to privacy. Furthermore, the experience accumulated by the Argentine Data Protection Authority during all these

Continued on p.5

Issue 146

April 2017

NEWS

- 2 - **Comment**
GDPR's influence grows
- 12 - **DP in the Nordic countries**
- 22 - **CNIL: 'En marche' for the GDPR**
- 23 - **South Africa gets ready to enforce DP and FOI Acts**
- 24 - **Japan's Supreme Court rules on GPS tracking without a warrant**

ANALYSIS

- 11 - **An essentially equivalent post-Brexit future for UK and GDPR**
- 14 - **DPAs' international networks**
- 18 - **Data Privacy Laws 1973-2016**
- 19 - **Personal information under Australian privacy law**

LEGISLATION

- 6 - **US States active on privacy issues**

MANAGEMENT

- 8 - **How to avoid complaints escalating to a privacy regulator**
- 21 - **Events Diary**
- 25 - **Book Review: African Data Privacy Laws**

NEWS IN BRIEF

- 4 - **Call for Privacy Shield annulment**
- 10 - **Attributes of effective DPAs**
- 10 - **Mexico's public sector DP law**
- 21 - **Google and Microsoft top study**
- 21 - **DPA 2018 conference in Brussels**
- 25 - **EU and Japan to discuss adequacy**
- 26 - **Italy issues EU record fines**
- 26 - **Poland issues draft GDPR law**
- 26 - **Spain prepares for GDPR**
- 26 - **France's DPA GDPR advice**
- 27 - **EDPS: Don't interfere with GDPR**
- 27 - **Albrecht: Tweak e-Privacy draft**
- 27 - **Israel's data security regulations**

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“ comment ”

GDPR's influence growing even before it is in force

The Commissioner for Justice of the European Commission, Věra Jourová, visited the United States at the end of March to seek assurances about the EU-US Privacy Shield and announced a review in September (p.1). In the meantime, EU DPAs have prepared a complaints form and procedure for Europeans should they need to complain about the processing of their personal data by US companies which are Privacy Shield participants (pp. 4-5).

The European Parliament's Civil Liberties, Justice and Home Affairs Committee (LIBE) voted recently to support a resolution declaring the Privacy Shield to be inadequate. It is expected that the resolution will be voted on by the whole of the Parliament soon.

Argentina is taking a different path by updating its existing law to include some of the elements of the GDPR. Argentina already has an adequacy decision from the European Commission, dating back to 2003, but has now issued a draft law, the Director of Argentina's DPA writes in an article exclusive to *PL&B* (p.1).

In the US, the Republican majority in the US Congress has voted to repeal the Federal Communications Commission privacy protections for Internet users and President Donald Trump has signed it. This could have dire consequences for consumer privacy. On the whole, it seems that privacy friendly initiatives are now limited to state level legislation. One of the issues getting much attention is drones (p.6). States are also passing bills to strengthen consumers' online privacy.

In the UK, Brexit is causing concern to UK data controllers because of the risk of future incompatibility of UK data protection law with the EU DP Regulation, despite the government announcing that the GDPR will apply come May 2018 (p.11). Elizabeth Denham, the UK's Information Commissioner, recently gave evidence to the House of Lords EU Home Affairs Sub-Committee, where she recommended that the best option to guarantee uninterrupted data flows would be for the UK to apply for EU adequacy decision as soon as Article 50 is triggered – so that would be possible now.

DPA cooperation is more important than ever and in Europe it will be an element present in the GDPR. The European Data Protection Board is being set up to replace the EU Art. 29 DP Working Party. It remains to be seen whether the UK can sit at the table. Graham Greenleaf explores the DPAs' networks and channels for their international cooperation (p.14).

Laura Linkomies, Editor

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