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# NEWSLETTER

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## AZURE DATA PROTECTION CONSULTANTS LLP

*FEBRUARY 2023*

*Your privacy digest is filled with the latest developments in the field of privacy and data protection across the globe.*

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# New Appointments / New laws

## **Newfoundland and Labrador government to launch digital ID pilot program**

*January 2, 2023*

The Newfoundland and Labrador government plans to launch a digital ID pilot in 2023. Digital Government Minister Sarah Stoodley said the project, through which individuals' identities could be confirmed electronically, is a huge opportunity to protect the privacy of Canadians.



## **Belarus signs rules for cross border transfer of data**

*January 3, 2023*

The director of Belarus' National Center for Personal Data Protection signed an order implementing rules for the cross-border transfer of personal data. The order includes member states of the Eurasian Economic Union and defines allowable cases of cross-border data transfers, including transfers by state bodies and other organizations.



## **US FCC proposes telecom breach reporting updates**

*January 6, 2023*

The U.S. Federal Communications Commission voted to file a Notice of Proposed Rulemaking to data breach reporting requirements for telecommunications providers. Proposed requirements include reporting all types of data breaches regardless of intent and immediate consumer breach notification.



## **Privacy by design standard adopted by ISO**

*January 11, 2023*

The International Organization for Standardization will adopt ISO 31700 on privacy by design on February 8. The new standard will not be a conformance standard when it first comes online. It features 30 requirements and guidance on privacy-by-design principles for effectuating consumer rights, relevant roles and authorities, privacy control designs and more.







## US state legislatures introduce privacy bills

January 4, 2023- **New York** Senate Bill 365 which is the New York Privacy Act was refiled and assigned to the Senate Committee on Consumer Protection. The Biometric Privacy Act, New York Assembly Bill 1362 was introduced and referred to the Committee on Consumer Affairs and Protection on Jan 17. New York Senate Bill 2277, the Digital Fairness Act, was also introduced and referred to the Senate Committee on Internet And Technology on Jan 19.

January 4, 2023- the **Tennessee** Information Protection Act, Tennessee Senate Bill 365 was introduced in the Tennessee General Assembly. Previously, the assembly failed the proposed legislation in 2022.

January 5, 2023- **Kentucky** Senate reintroduced the Senate Bill 15. The privacy bill was not passed earlier in 2022 but new amendments have been introduced. The additions include Global Privacy Control recognition and increased user consent requirements.

January 5, 2023- **Washington** House Bill 1155 which is My Health My Data Act was pre-filed for introduction. House Bill 1616, the Washington People's Privacy Act was also introduced on Jan 26. It was referred to the House Committee on Civil Rights and Judiciary and carries a private right of action.

January 9, 2023- The **Mississippi** Consumer Data Privacy Act, Senate Bill 2080 was reintroduced. The bill was not acted upon after its 2022 introduction.

January 9, 2023- The **Virginia** House and Senate each introduced companion amendments to the state's Consumer Data Protection Act. House Bill 1688 and Senate Bill 1026 propose updates to children's privacy provisions in the comprehensive statute, notably raising the coverage to children age 18 and under. The Virginia Senate took up bills to amend the Virginia Consumer Data Protection Act on Jan 11. Senate Bill 1087 proposes provisions to protect genetic data privacy, while SB 1432 concerns protection of personal health records.





January 11, 2023- Senate Bill 5 was reintroduced in **Indiana** Senate. The bill passed the Senate and two readings in the House during the 2022 legislative session. Indiana House Bill 1554, an act concerning consumer data protection, was introduced and referred to the House Committee on Commerce, Small Business and Economic Development on Jan 20. The Indiana Senate Committee on Commerce and Technology voted 11-0 to advance Senate Bill 5, an act concerning consumer data protection on Jan 27.

January 11, 2023- Biometric Privacy Act, **Maryland** House Bill 33 was reintroduced. The bill was passed in the Maryland House in 2022 before being stalled in the Senate.

January 11, 2023- Senate Bill 619, **Oregon's** comprehensive privacy bill was introduced and is waiting for committee referral from the Senate president. Oregon Senate Bill 196, the Oregon Age-Appropriate Design Code, was also introduced.

January 11, 2023- House Bill 2460, an act concerning children's privacy was introduced to the **West Virginia** House. The bill, which would bring privacy protections for children under 18, was referred to the House Committee on the Judiciary.

January 18, 2023- House Bill 158 was introduced which is an amendment to **Utah** Consumer Privacy Act. It amends Utah's law to include a carveout for law enforcement's access to personal data with a warrant.

January 19, 2023- House Bill 6253, the **Connecticut** Age-Appropriate Design Code was introduced and was referred to the Connecticut General Assembly's Joint Committee on General Law.

January 19, 2023- Senate Bill 255, an act relative to the expectation of privacy was introduced in **New Hampshire**. The bill carries no business exemptions and contains a right to cure. SB 255 was referred to the Senate Committee on the Judiciary.





January 20, 2023- Senate Bill 745, the **Massachusetts** Data Privacy Protection Act was introduced in the senate. They will consider 2 other bills as well. Senate Bill 1971, the Massachusetts Information Privacy and Security Act, and House Bill 3245, Internet Bill of Rights, both take aspects from the EU General Data Protection Regulation.

January 23, 2023- A subcommittee of the **Iowa** House Committee on Economic Growth and Technology passed Iowa House Study Bill 12, an act to consumer data protection, to the full committee on a 3-0 vote.

January 24, 2023- Two comprehensive privacy bills were introduced to the **Hawaii** Senate. Senate Bill 974 and SB 1110 passed their first readings on the Senate floor and await committee referrals.

### **Dutch DPA starts algorithm enforcement work**

*January 16, 2023*



The Dutch data protection authority, Autoriteit Persoonsgegevens, commenced its supervision over algorithms that process personal data. To implement the new project, DPA will launch a Coordination Algorithms Directorate to address "these coordinating, cross-sectoral activities." The DPA also stressed existing supervision of algorithms in other sectors will remain intact.

### **EU NIS2 Directive takes force**

*January 17, 2023*



European Commission announced the NIS2 Directive, a modernized framework based on the EU Network and Information Security Directive is effective. The commission outlined how the directive "will strengthen the cybersecurity risk management requirements that companies are obliged to comply with." The regulation includes seamless incident reporting obligations with respect to the information being reported and the timeline for reporting. EU member states are required to transpose the directive into national law over the next 21 months.





## **Morocco's CNDP opens national data protection register**

*January 11, 2023*



Morocco's National Commission for the Control and the Protection of Personal Data announced the first iteration of its National Register for the Protection of Personal Data will go live Jan. 16. The register will help inform the regulator on data controllers' views on management of personal data and aims to bring transparency and to best contribute to the climate of digital trust. The final version of the register will go live Feb. 23, while a register for CNPD complaint monitoring is set to launch March 31.

## **CJEU requires companies to disclose personal data buyers**

*January 12, 2023*

The Court of Justice of the European Union issued a decision forcing data controllers to identify entities they sold personal data to when requested under the EU General Data Protection Regulation. The decision came after an Austrian man sought the companies his personal data was sold to by logistics and postal company Österreichische Post. Meanwhile, the CJEU ruled EU GDPR enforcement decisions can be exercised “concurrently and independently” with member states’ administrative and civil courts.



## **Belgian DPA approves IAB Europe's TCF rectification plan**

*January 12, 2023*

IAB Europe announced its Transparency and Consent Framework is compliant with the EU General Data Protection Regulation following an action plan approved by the Belgian Data Protection Authority. The implementation will come over the next 6 months.





## **EDPB releases reports on coordinated enforcement action and cookie banner**

*January 18, 2023*

The European Data Protection Board adopted reports on its first coordinated enforcement action concerning public-sector cloud services and cookie banner observations. The coordinated enforcement report outlined actions taken by national data protection authorities on cloud services and "recommendations for public sector organisations when using cloud-based products or services." The report on cookie banners reflected the DPAs' "common denominator in their interpretation of the applicable provisions of the ePrivacy Directive and of the GDPR.



## **US NIST to release AI Risk Management Framework**

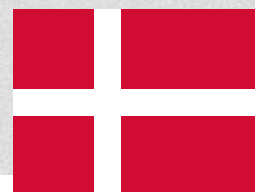
*January 18, 2023*

The U.S. National Institute of Standards and Technology will publish the first iteration of its Artificial Intelligence Risk Management Framework Jan. 26. The NIST described the voluntary standard as aiming to "improve the ability to incorporate trustworthiness considerations into the design, development, use, and evaluation" of AI offerings. Finalization follows a public comment period on the second draft of the framework released in September 2022.

## **Danish DPA releases guidance on storing personal data for documentation purposes**

*January 20, 2023*

The Danish data protection authority, Datatilsynet, shared guidance on storing personal data for documentation purposes. The DPA said the guidance clarifies the framework for the storage of personal data solely for the purpose of documenting that data controllers "comply with the data protection rules on consent.





# GOOGLE in the news.....

## Google reaches 9.5 million\$ settlement with DC Attorney

January 1, 2023

The Office of the Attorney General for the District of Columbia announced a \$9.5 million settlement with Google over use of "dark patterns" that led to user location data collection. The attorney general alleged Google deployed deliberate design choices that asked users to enable location in certain apps and claiming products would not function properly if location was not enabled. Additional remedial measures for Google include increased transparency practices, data sharing and retention limits, and annual compliance reports.

## Google reach 23 million\$ settlement for a lawsuit

January 5, 2023

Cryptocurrency exchange Binance Australia paid an AU\$2 million fine, handed down by the Australian Communications and Media Authority, for spamming customers. An ACMA investigation found the company sent more than 5.7 million spam emails advertising trading services without obtaining consent from the recipients, between October 2021 and May 2022.

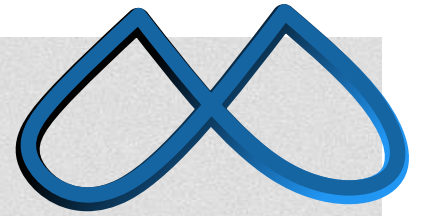




# META in the news.....

## Meta to restrict advertisers access to teen user data

January 1, 2023



Meta said its Facebook and Instagram platforms will tighten restrictions on data available to advertisers to target teens. Advertisers will no longer be able to access a user's gender or posts they have engaged with for targeted advertising. Instead, only a user's age and location will be available. Meta also said teenagers will be offered new options in Facebook and Instagram settings to "see less" of certain types of ads. The implementation will be starting in February.

## Meta fined 390 million euros by Irish DPC

January 4, 2023

In a decision by the EDPB (European Data Protection Board) has overturned the decision of Ireland DPC and has prohibited Meta from using personal data for advertisement. Now Meta cannot use contractual necessity as its legal basis for processing personal data for advertising and they have to get the "opt-in" consent for personalized advertisement and take consent from the users. This comes after various complaints were filed by various users from different countries in Europe. The fine for both Meta applications-Facebook and Instagram will be total of 390 million euros which are the revised fines from what was decided by Irish DPC.

## Irish DPC fines WhatsApp 5.5 million euros

January 19, 2023

Ireland's Data Protection Commission completed its inquiry into Meta platform's WhatsApp, and fined the company 5.5 million euros related to forced user consent for the processing of their data. The DPC said the fine was significantly less than recent fines issued to Facebook and Instagram because WhatsApp was fined 225 million euros in 2021. However, the DPC decision did not resolve its ongoing jurisdictional fight with the European Data Protection Board related to the EDPB's ability to mandate the scope of a member state's data protection inquiry.





## **TikTok in the news.....**

### **North Carolina governor signs executive order banning TikTok and other apps on government devices**

*January 12, 2023*

North Carolina governor signed an executive order which directs the Chief Information Officer and North Carolina Department of Information Technology to craft a policy within 14 days that prohibits the use of TikTok, WeChat and potentially other applications on state agency information technology systems in a manner that presents an unacceptable cybersecurity risk. The policy will also focus on other more application that bring security risks on the devices.

A 2nd bill was also introduced. The bill, introduced by Sen. Josh Hawley, R-MO, and Rep. Ken Buck, R-Colo., would empower the president to block and prohibit transactions with TikTok's parent company ByteDance, with penalties for entities that attempt to evade the sanctions under the federal International Emergency Economic Powers Act.

### **TIKTOK fined 5 million euros by CNIL**

*January 12, 2023*

Social media company TIKTOK was fined 5 million euros by CNIL for privacy violations. This came after CNIL requested some documents in relation to the checks carried out on website of "tiktok.com" which did not include the mobile application. The observations from the check concluded that the Company has breached Article 82 of the France Data Protection Act.





# Data Breaches

## 235M Twitter accounts exposed

January 4, 2023



Twitter suffered data leak which contained email addresses, names, screen names, follow counts, and account creation dates of over 200 million users and the data has been published on a hacker forum. The data sets have been allegedly made through an API vulnerability.

## Password manager suffers data breach, exposes sensitive data

January 5, 2023



Password manager LastPass potentially compromised millions of users' data in a data breach. LastPass said unauthorized parties accessed its cloud database and obtained customers' data.

## Pennsylvania health care suffers ransomware attack

January 5, 2023



Pennsylvania health care nonprofit Maternal and Family Health Services announced hackers stole sensitive patient medical and financial information in a sophisticated ransomware incident. The organization has 90,000 patients.

## T-Mobile customer personal data stolen

January 19, 2023

U.S. wireless carrier T-Mobile announced customer personal data, not including credit card or Social Security numbers, was stolen through an application programming interface.

## 1000 onshore ship servers suffers Ransomware attack

January 19, 2023



A Norwegian maritime risk management firm had its ShipManager software suffer a ransomware attack which affected 1000 ships.

## Hacker stole data of every Austrian citizen

January 25, 2023



Austrian police said a Dutch hacker stole personally identifiable information of presumably every citizen which is said to be around 9M.





## Media outlet's employee data suffers ransomware attack

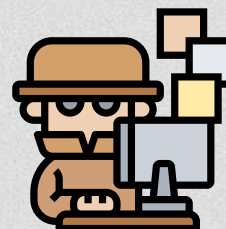
January 11, 2023



The Guardian informed U.K. staff members of potential data exposure as part of a ransomware attack. The company told the employees the attack was likely triggered by a phishing email. Data belonging to U.S. and Australian employees were spared.

## San Francisco transit police suffers data leak

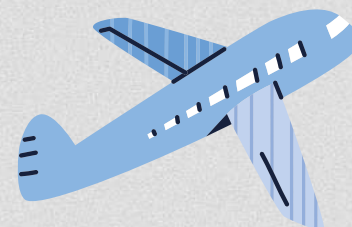
January 11, 2023



Ransomware hackers posted more than 120,000 files stolen from the Bay Area Rapid Transit System Police Department. The files contained sensitive information including officers' mental health records and information on child abuse investigations.

## Air France-KLM notifies data breach

January 11, 2023



Frequent fliers of Air France-KLM had personally identifiable information exposed in a data breach excluding credit card and passport numbers were not stolen. Details including customers' names, email addresses, phone numbers, account numbers, levels and mileage balances might have been exposed.

## PayPal suffers data breach of customer data

January 19, 2023



PayPal sustained a credential-stuffing attack that compromised nearly 35,000 user accounts. Customers had personally identifiable information stolen, including Social Security numbers.

## Cybersecurity software company suffers data breach

January 16, 2023

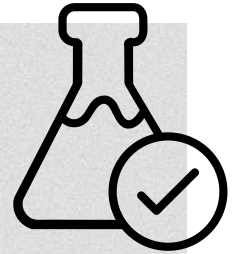


Cybersecurity software company Norton LifeLock announced it sustained a data breach affecting more than 6,000 customers. This was noticed after many customers suffered failed logins in their accounts. The notice was sent to customers that it believes use its password manager feature, because the company cannot rule out that the intruders also accessed customers' saved passwords.





# Fines and Settlements



## Life Hope Labs reach 16k\$ settlement for violation

*January 3, 2022*

Life Hope Labs LLC reached a \$16,500 settlement with the Office for Civil Rights at the U.S. Department of Health and Human Services over a potential violation of the Health Insurance Portability and Accountability Act Privacy Rule's right of access provision. The Georgia-based diagnostic laboratory will also implement a corrective action plan, including two years of OCR monitoring.

## Apple fined 8 million euros by CNIL

*January 4, 2022*



CNIL has recently fined Apple 8 million euros for GDPR violations. This came after a complaint relating to the personalization processing of advertisements broadcast in the App Store where the company was not obtaining the consent of French iPhone users under the old version 14.6 of the operating system for using the identifiers used for several purposes which included advertisement purposes on the app store.

## Voodoo games fined by CNIL

*January 17, 2023*

France's data protection authority, CNIL issued a 3 million euro fine to mobile application developer Voodoo over alleged non-consensual user tracking. The CNIL's investigation found the company applies a technical identifier that "processes the information linked to the browsing habits for advertising purposes" when a Voodoo app is downloaded from Apple's App Store. Voodoo allegedly applies the tracker despite user opt-outs via its consent mechanism.





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