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# PRIVACY DIGEST

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## AZURE DATA PROTECTION CONSULTANTS LLP

*May 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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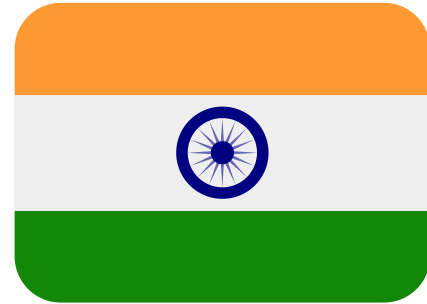
# PRIVACY DIGEST



## Latest Trends

### Data localization norms removed from India DPDPB

April 24, 2023 - According to India's Minister of State for Electronics and Information Technology, Rajeev Chandrasekhar, the proposed Digital Personal Data Protection Bill has revised its data localization provisions. While this is a positive development, there are exceptions for sectoral guidelines that may have their own separate requirements..



### Saudi Arabia proposes amendments to PDPL

March 27, 2023 -The Council of Ministers in Saudi Arabia has proposed and approved amendments to the Personal Data Protection Law through Royal Decree No. M147 of 5/9/144H. This law, which regulates the collection, processing, and use of personal data in the Kingdom, is scheduled to take effect on September 14, 2023. Before the effective date of the PDPL, a proposed executive regulation will be released. Businesses operating in Saudi Arabia or handling the personal data of Saudi residents will have a year to comply with the new regulations, as enforcement begins on September 14, 2024.



### Vietnam passes its comprehensive privacy law

April 17, 2023 -Vietnam's government has recently issued a Decree on Protection of Personal Data, which will become effective on July 1. The decree implements principles around data collection, processing and storage. According to the decree, organizations are obligated to notify the Ministry of Public Security within 72 hours of detecting any violation and comply with the PIA (Privacy Impact Assessment) requirements. Notably, the decree marks the first time that geo location has been recognized as sensitive personal information under the law.



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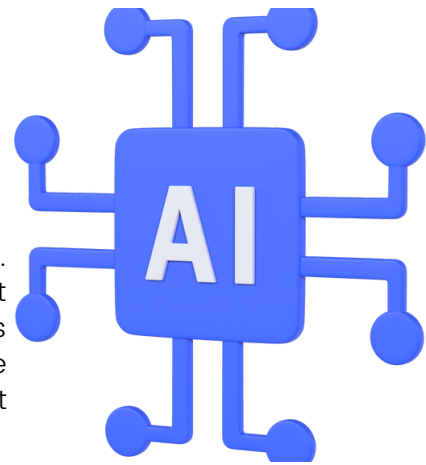


## DIFC launches data protection law consultation

April 18, 2023 - The Dubai International Financial Centre has launched a consultation on proposed amendments to its Data Protection Law (DPL) regulations. The purpose of the updates is to "establish additional areas of regulation that support robust implementation" of the DPL. The proposed changes cover various topics, such as data breaches, obligations of controllers and processors in digital enablement technology systems, and the integration of privacy by design or default in artificial intelligence deployments. Interested parties are encouraged to submit their comments by May 17.

## UK ICO released guidance organizations developing or using generative artificial intelligence

April 3, 2023 - Stephen Almond, the Executive Director of Regulatory Risk at the U.K. Information Commissioner's Office, has published guidance for organizations that develop or use generative artificial intelligence. The guidance highlights eight areas of focus for the ICO and stresses that data protection obligations should be considered from the outset, using a data protection by design and by default approach.



## First review of EU and Japan adequacy decision concluded

April 4, 2023 - The first review of the mutual adequacy agreement between the European Union and Japan has been completed successfully. According to a joint statement, the review has shown a greater alignment between the data protection systems of the EU and Japan, and the agreement is functioning effectively



## EDPB Establishes Task Force to Evaluate Enforcement Actions Against Open AI's ChatGPT

April 13, 2023 - The EDPB has also addressed the enforcement measures taken by the Italian DPA against Open AI's ChatGPT during their discussions. As a response, the EDPB has established a specialized task force that will assess and share insights on the enforcement actions carried out by the Italian DPA. The goal of this initiative is to promote collaboration and facilitate the exchange of information regarding potential enforcement measures conducted by other data protection authorities



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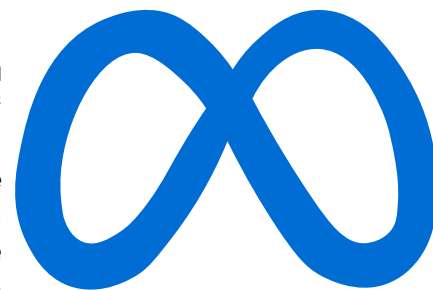


## MEPs reject proposed EU-US Data Privacy Framework

April 13, 2023 – The European Parliament Committee on Civil Liberties, Justice and Home Affairs adopted its nonbinding rejection of the proposed EU-U.S. Data Privacy Framework. The committee members cited concerns over the continued practice of mass data collection and opaque decisions made by the Data Protection Review Court, which impede citizens' ability to access and correct information pertaining to them.

## EDPB Issues Binding Decision on Meta's EU-U.S. Data Transfer Case

April 13, 2023 – The European Data Protection Board (EDPB) has released a statement confirming the finalization of its binding decision on the legality of Meta's EU-U.S. data transfers, which was initiated by Ireland's Data Protection Commission. According to the EDPB, the dispute resolution decision under Article 65 of the EU's General Data Protection Regulation addresses discrepancies among data protection authorities on whether the Irish DPA's final decision should include an administrative fine and/or an additional order to bring data processing into compliance.



## Surrey and Sussex police reprimanded by ICO for recording 200K calls

April 18, 2023 – Surrey and Sussex police have been criticized by the U.K. Information Commissioner's Office for using an app that secretly recorded and stored over 200,000 phone conversations without the participants' knowledge. The app was installed on the work phones of 1,015 staff members, collecting a significant amount of personal data without their consent, which the ICO deemed as both unfair and illegal. Instead of imposing a fine of £1 million per department, the ICO opted to issue a reprimand.

## European Commission agrees to draft proposal for Cyber Solidarity Act

April 18, 2023 – The European Commission has announced the adoption of a proposal for the EU Cyber Solidarity Act, which aims to enhance the EU's cybersecurity capabilities by providing assistance in detecting and addressing cybersecurity threats and incidents and improving the readiness of critical entities.



## Israel committee approves adoption of draft regulations on data transfers from EEA

April 23, 2023 – Israel's Constitution, Law and Justice Committee approved the adoption of the draft Privacy Protection Regulations on the transfer of data from the European Economic Area to Israel. The regulations comprise clauses that require the deletion of personal data upon request, removal of excessive personal data, ensuring the accuracy of personal information, and a mandate to notify when data is transferred.



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## US state legislatures introduce privacy bills

**Pennsylvania** - April 3, 2023- Pennsylvania's House Bill 708 has established measures for protecting consumer data, including the creation of a Consumer Privacy Fund. The bill has been referred to the Committee on Commerce.

**Arkansas** - April 10, 2023- The Social Media Safety Act, Senate Bill 396, was given final approval by the Arkansas House of Representatives. The bill is currently awaiting the governor's signature, and if signed, will become effective on September 1, 2023.

**Arkansas** - April 11, 2023- Act 612, which provides online protections for minors including age-verification requirements, has been passed into law in Arkansas. The bill, also known as Senate Bill 66, was approved by both the House and Senate and has been sent to the governor for signature.

April 19, 2023- The Online Privacy Act, a federal privacy proposal aimed at providing user data rights, imposing limitations and obligations on data practices, and creating a data protection authority, has been refiled by U.S. Representatives Anna Eshoo and Zoe Lofgren. This comprehensive bill also establishes a legislative floor that enables state legislatures to exceed the provisions of the Online Privacy Act as they deem necessary.

**Utah** - April 21, 2023- Governor of Utah signed House Bill 343 into law on March 14. The new law deals with privacy practices for government records and sets standards for handling personally identifiable information. It also establishes documentation and transparency requirements for data collection and updates the notice requirements for data collection.

April 24, 2023-

**Montana** - Montana Senate Bill 384 has been approved by the state legislature and is now awaiting the governor's approval. The bill was amended during the cross-chamber process to align solely with the Connecticut Data Privacy Act. If signed into law, the act will take effect on October 1, 2024.

**Tennessee** - A bill has been passed by Tennessee's state legislature and is currently awaiting the governor's approval. If signed into law, the bill's effective date will be July 1, 2025.

**Maine** - The Maine Legislature has reintroduced a bill related to biometric information privacy, which is similar to the Illinois Biometric Information Privacy Act. The proposed bill would prohibit private entities from selling biometric information and would require written consent from individuals before their biometric data can be acquired by another entity. Additionally, the bill includes a private right of action, meaning individuals can bring legal action against entities that violate the law.

**Nevada** - April 25, 2023- The Nevada Senate has approved Senate Bill 370, an act related to data privacy that mandates certain entities to establish a policy regarding the privacy of consumer health data. The bill also prohibits healthcare companies from collecting or sharing patients' health information without obtaining the affirmative and voluntary consent of the consumer.

**Washington** - April 27, 2023-Washington State's Senate has passed House Bill 1155, also known as the My Health My Data Act, which aims to regulate the collection, sharing, and sale of consumer health data. This comprehensive data privacy bill, which establishes consumer rights and consent requirements for personal health care information, has been signed into law. The act will take effect on March 31, 2024, and also includes a private right of action.

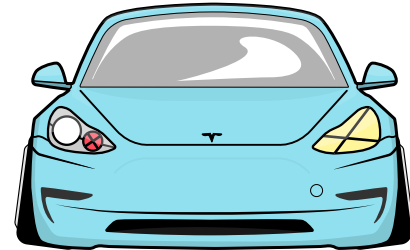
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## Data Breaches

### Former Tesla employees shared sensitive images recorded by customer cars

April 7, 2023- According to some sources, former Tesla employees allegedly shared highly invasive videos and images recorded by customers' car cameras in an internal messaging system. Multiple employees have claimed that Tesla has a program that can locate where videos were taken, which contradicts what the company has stated in its privacy notice.



### Thousands of customer data exposed during service NSW website update

April 4, 2023- The government department Service NSW disclosed that personal data of thousands of customers may have been exposed for 90 minutes during a website update. The compromised data could include driver's license and vehicle registration information as well as mobile phone numbers. The agency notified the Information Privacy Commission and sent an email to 3,700 affected customers.

### 600K Marketplace records exposed due to data breach

April 5, 2023- An international digital exchange platform had a security incident where 600,000 customer support attachments were exposed due to a non-password-protected database. The leaked data contained personally identifiable information, such as passport numbers and IBAN payment numbers, and was uploaded to a Chinese platform called Z2U.



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## Fines and Penalties



### Google fined \$79k by California judge for tracking users

April 1, 2023- Judge Susan Van Keulen from the U.S. District Court of the Northern District of California has ordered Google to pay a fine of USD 79,000 for failing to comply with a privacy class-action ruling. It was found that the company illegally tracked users through Chrome's "incognito" mode, which led to the class-action lawsuit.

### TikTok fined 12.7M GBP by UK ICO over misusing of children's data

April 4, 2023- The U.K. Information Commissioner's Office has imposed a fine of 12.7 million GBP on TikTok for violating the U.K. GDPR. The company's terms of service prohibit children under the age of 13 from creating an account, but the ICO found that over a million children under 13 in the U.K. were using the platform in 2020. The ICO also concluded that TikTok had collected personal data from children under 13 without their parents' consent and failed to take adequate measures to remove underage children from the platform.



### Vimeo agrees settlement of US\$2.25 million for storing biometric data

April 10, 2023- Vimeo has agreed to settle a lawsuit for USD 2.25 million, which alleged that the company's AI-based video creation and editing platform collected and stored users' biometric data without consent, violating Illinois' Biometric Information Privacy Act.

### Digital marketing company fined 300k by GPDP

April 17, 2023- Italy's data protection authority, the Garante, has imposed a fine of 300,000 euros on a digital marketing services company for allegedly illegally processing users' personal data for marketing purposes. According to the Garante, the company's online portals used dark patterns to lure users into providing their personal information, and the company failed to demonstrate that it had obtained consent for sending promotional messages.





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