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# PRIVACY DIGEST

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## AZURE DATA PROTECTION CONSULTANTS LLP

*July 2023*

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

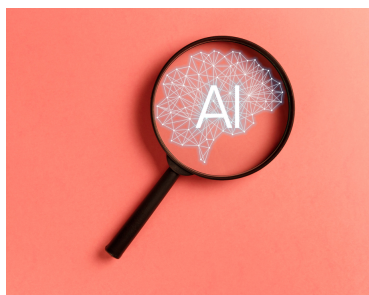
# PRIVACY DIGEST



## Latest Trends

### Texas' comprehensive privacy bill signed into Law

June 18, 2023 - Governor Greg Abbott signed HB 4, also known as the Texas Data and Privacy Security Act, into law. While the majority of the law will become effective from July 1, 2024, provisions related to the recognition of universal opt-out mechanisms will be enforced starting from January 1, 2025.

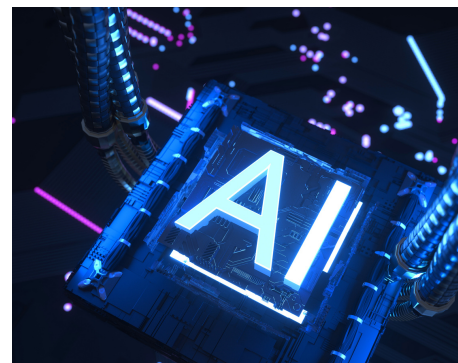


### European Parliament Adopts AI Act

June 14, 2023 - The AI Act was adopted by the European Parliament, marking a significant milestone in the development of Artificial Intelligence. The next step is the trilogue, an informal negotiation process involving representatives from the European Parliament, the Council of the European Union, and the European Commission. During this process, the institutions engage in discussions, considering various perspectives and refining the details of the AI Act.

### Connecticut governor signs bill on AI

June 9, 2023 - Connecticut Governor Ned Lamont signed SB 1103, legislation focused on artificial intelligence, automated decision-making, and personal data protection. This act, SB 1103, introduces several key provisions. It establishes an Office of Artificial Intelligence, which will serve as a dedicated entity for overseeing AI-related matters well as a task force to study AI and develop an AI bill of rights. Furthermore, SB 1103 requires the Department of Administrative Services to conduct an inventory of AI systems employed by any state agency by December 31st.

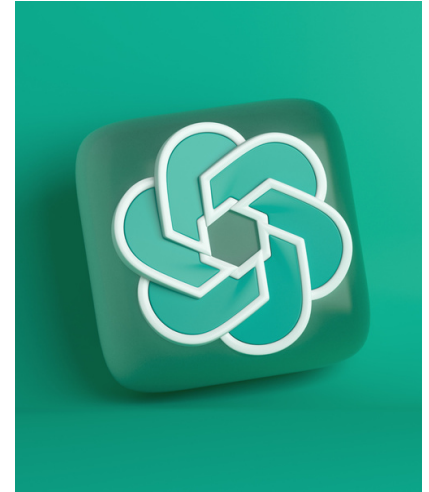


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## Class Action Lawsuit against ChatGPT Maker OpenAI

June 29, 2023 - OpenAI, the maker of ChatGPT, is facing a class-action lawsuit filed by a California-based law firm. The lawsuit raises concerns about OpenAI's use of scraped data from the web, which forms the basis of its generative AI tools. These tools employ large language models that learn from vast amounts of data to generate responses to prompts. However, the lawsuit challenges the ethical and legal implications of using billions of words written by individuals on the internet without their explicit consent or knowledge. The lawsuit emphasizes that the authors of these words never agreed to have their content used by OpenAI or other companies for financial gain. It's important to note that the data used by OpenAI was not originally intended to be utilized by a large language model.

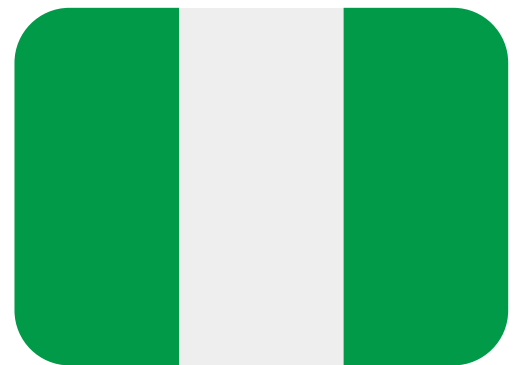


## EU Council and Parliament reach a tentative agreement on Data Act

June 28, 2023 - The Swedish Presidency of the Council of the European Union announced that a "provisional agreement" had been reached with the European Parliament regarding the proposed Data Act. According to Erik Slottner, the Minister for Public Administration in Sweden, once implemented, the Data Act will play a key role in unleashing the economic and societal potential of data and technologies while fostering an internal market for data. The primary focus of the agreement is to grant users of connected devices the right to access the data generated by their usage.

## Nigerian president approves Data Protection Bill

June 14, 2023 - President Bola Tinubu signed the Nigeria Data Protection Bill, 2023 into law on June 14th. The new law establishes the Nigeria Data Protection Commission, which will be led by a national commissioner responsible for overseeing the processing of personal information by entities. Among its responsibilities, the NDPC is tasked with promoting the development of personal data protection technologies in line with international best practices.



## Nevada Legislature Gives Approval to Bill Protecting Health Data

June 9, 2023 - The Nevada Legislature granted final passage to SB 370, a bill modeled after Washington's My Health My Data Act. The bill was amended before final passage by the Nevada State Assembly 5 June to include an exemption for profiling that does not include personal health data and a new effective date of 31 March 2024. Unlike Washington's law, SB 370 does not carry a private right of action. The finalization of Nevada's bill is pending the governor's approval.

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## ICO creates guidance for organizations to adopt PETs

June 20, 2023 -The U.K. Information Commissioner's Office (ICO) released guidance advising organizations to incorporate Privacy Enhancing Technologies (PETs) in their operations to ensure the secure, anonymous, and safe sharing of individuals' personal information. This new guidance is aimed at assisting data protection officers who handle personal data sets in various sectors, including finance, healthcare, research, and government services.



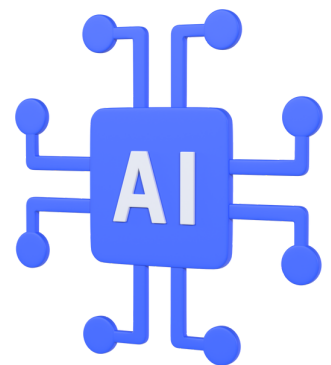
## Vietnam's Ministry of Public Security announced crucial guidance on the upcoming PDPD



June 8, 2023 - Vietnam's Ministry of Public Security announced key guidance on the upcoming Personal Data Protection Decree, set to be enforced on July 1. The highlights include the launch of a national registration portal, the requirement for Data Processing Impact Assessments (DPIAs) and Transfer Impact Assessments (TIAs) that must be prepared in Vietnamese, stricter regulations on the sale and purchase of personal data, data subject requests must be responded to within a strict 72 consecutive hours, and the absence of a requirement for overseas organizations to appoint a local representative.

## IAPP releases AI Governance Professional Body of Knowledge

June 20, 2023 - The IAPP (International Association of Privacy Professionals) published its Artificial Intelligence Governance Professional Body of Knowledge (BoK). This document serves as a foundational resource for the forthcoming AIGP (Artificial Intelligence Governance Professional) certification and training, which aims to address the emerging field of AI governance. The BoK outlines the essential information and skills that will be assessed in the upcoming AIGP certification exam.

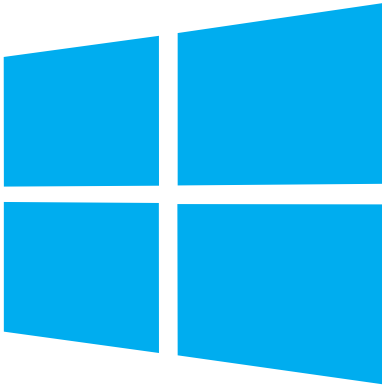




# PRIVACY DIGEST



## Fines and Penalties



### FTC Imposes \$20 Million Fine on Microsoft for Alleged Violations of COPPA

June 6, 2023 - The U.S. Federal Trade Commission (FTC) has announced a substantial fine of \$20 million against Microsoft, citing alleged violations of the Children's Online Privacy Protection Act (COPPA) about its Xbox gaming system. According to the FTC, Microsoft failed to obtain parental consent before collecting Xbox account data from users under 13. To address these concerns, the proposed order, pending approval from a federal court, requires Microsoft to obtain parental consent for any existing nonconsensual Xbox accounts and establish a data deletion program.

### Italy's DPA issues combined 415K euro fines over abortion-related privacy violations

June 26, 2023 - Italy's data protection authority, known as the Garante, issued fines totaling 415,000 euros to Rome's city council and third-party property management firm Ama. The fines were imposed due to privacy violations connected to the breach of sensitive data concerning individuals who have undergone abortions. The Garante discovered that the city council permitted Ama to disclose the names of mothers on the gravestones of aborted fetuses without obtaining proper consent. In response, the Garante ordered the sealing of burial documents and medical certificates containing such information to ensure privacy protection.



### Sweepstakes facilitator settles FTC lawsuit for use of dark patterns

June 27, 2023 - Publishers Clearing House resolved a lawsuit filed by the U.S. Federal Trade Commission (FTC) by agreeing to a settlement of \$18.5 million. The lawsuit alleged that the company utilized dark patterns, deceptive user interface designs, and manipulated customers by falsely suggesting that making purchases was the sole method to enter their widely popular sweepstakes, or that doing so would enhance their chances of winning. Moreover, the company was accused of imposing undisclosed fees on customer purchases and misleading customers regarding the utilization of their personal data.



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## OCR Imposes Fine on Mental Health Care Provider for HIPAA Violation

June 7, 2023 - The U.S. Department of Health and Human Services Office for Civil Rights (OCR) reached a settlement with a mental health care provider based in New Jersey for a violation of the Health Insurance Portability and Accountability Act (HIPAA). Manasa Health Center has been fined \$30,000 by the OCR for its actions in disclosing patient information in response to negative online reviews. The provider breached HIPAA regulations by publicly posting "specific information regarding the individual's diagnosis and treatment" of a patient's mental health condition as a direct response to their online review.

## Ontario Hospital reaches \$988K settlement over data breach

June 16, 2023 - Peterborough Regional Health Centre, situated in Ontario, resolved a proposed class-action lawsuit by agreeing to pay CAD 988,550. The lawsuit stemmed from a data breach that occurred between 2011 and 2012. During this breach, seven former hospital employees unlawfully accessed the personal information of approximately 280 patients, which included records pertaining to abortions.



## FCC Imposes \$5.1M Fine for Nonconsensual Robocalls

June 9, 2023 - The U.S. Federal Communications Commission (FCC) issued a significant fine of \$5,134,500 to lobbying consultancy J.M. Burkman & Associates for orchestrating 1,141 spam calls without the consent of the recipients. These calls deceived individuals by falsely claiming that their personal data, linked to mail-in voting, would be collected and used to locate individuals with outstanding legal warrants and credit card debt. The FCC's investigation found no evidence suggesting that the consultancy had obtained the necessary consent to contact the individuals targeted by the robocalls.

## OCR issues \$240K fine over records snooping

June 16, 2023- The U.S. Department of Health and Human Services Office for Civil Rights (OCR) disclosed a settlement of \$240,000 with Yakima Valley Memorial Hospital, based in Washington, regarding alleged violations of the Health Insurance Portability and Accountability Act (HIPAA). The OCR asserted that security guards at the hospital inappropriately accessed the medical records of 419 patients.



Office for Civil Rights

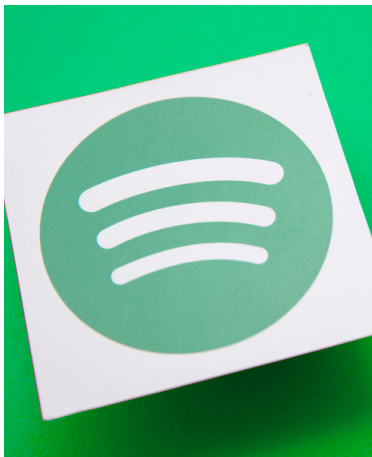
**FINES AND PENALTIES**

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## British Columbia OIPC finds police records search violated privacy

June 16, 2023 - The Office of the Information and Privacy Commissioner (OIPC) in British Columbia concluded that the Victoria and Saanich police departments had breached privacy regulations by accessing the personal data of a Victoria man without proper authorization. The violation occurred after the man, a blogger named Stephen Harrison, had submitted freedom-of-information requests. The OIPC investigation revealed that three employees conducted searches on the Police Records Information Management Environment database in response to Harrison's requests, a breach deemed in violation of the Freedom of Information and Protection of Privacy Act.



## Spotify's Fined SEK 58 million by the Swedish Privacy Authority (IMY)

June 13, 2023 - The Swedish Privacy Authority (IMY) imposed a fine of SEK 58 million on Spotify, the renowned music streaming platform. The fine was issued due to Spotify's failure to provide individuals with clear and comprehensive information when they requested access to their personal data. Although Spotify did comply with the data access requests, the Swedish data protection authority found that the company did not sufficiently clarify how the data is utilized. The IMY conducted a review and determined that Spotify's practices fell short of meeting the necessary transparency requirements concerning data usage.

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## Data Breaches

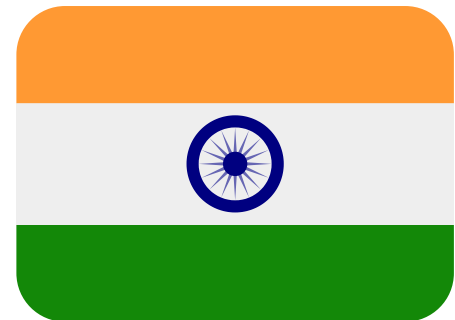
### Massive Data Breach Exposes Personal Information of 85 Million Turkish Citizens



June 12, 2023 - A devastating data breach affected approximately 85 million Turkish citizens. Turkey's entire population is at risk of identity theft, phishing, and bank fraud because of this breach. A website called "Sorgu Paneli" has emerged as the epicenter of this illegal data-selling operation. It allows visitors to search for individuals using names or other terms, exposing their full names, physical addresses, phone numbers, and, for paying members, even financial information such as IBANs, bank details, and title deed information.

### Data Breach Exposes Personal Information of Indian Covid-19 Vaccine Recipients

June 13, 2023 -The personal data of several Indians who received the Covid-19 vaccine has been leaked through a Telegram bot. The leaked data includes sensitive information such as names, gender, birth details, and identification numbers like Aadhaar, PAN cards, passports, and voter IDs. The data breach involves information stored on the CoWIN portal, a government-funded platform for storing vaccinated individuals' data securely. The government has denied reports of a breach. The Indian Computer Emergency Response Team (Cert-IN) is investigating the breach, but no timeline for their findings has been announced.







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