



AZURE DATA PROTECTION CONSULTANTS LLP

June 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

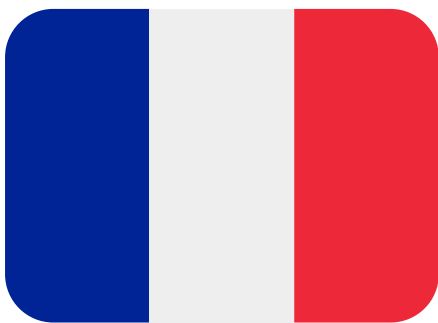
Texas Legislature finalizes comprehensive privacy bill

May 30, 2023 - The Texas Legislature has approved the final text of HB 4, a comprehensive privacy bill, after reaching an agreement between the chambers in a conference committee. This bill introduces specific standards for its application and mandates that covered entities respect universal opt-out signals, conduct data protection assessments, and establish data processing agreements. The law will come into effect on July 1, 2024. Once transmitted, Governor Greg Abbott of Texas, a Republican, has 10 days to take action on the bill, with the only way to prevent it from becoming law being a definitive veto.



CNIL's Unveiled an Action Plan to Address Data Protection Challenges in Artificial Intelligence

May 16, 2023 - France's data protection authority, the CNIL, has unveiled its action plan to tackle the crucial challenge of data protection within the realm of artificial intelligence (AI). This four-phase plan aims to foster a deep comprehension of AI, oversee its development, encourage innovation, and conduct systematic audits to ensure compliance with data protection regulations.



Taiwan passes amendment to Personal Data Protection Act

May 16, 2023 - Taiwan's Legislative Yuan has passed amendments to the Personal Data Protection Act, focusing on enhancing the financial penalty framework for private entities that violate data security provisions. Under the new scheme, fines will range from NTD20,000 to 2 million, depending on the severity of the violation. Furthermore, offenders who fail to rectify their shortcomings within a specified timeframe will face more severe penalties, ranging from NTD150,000 to 15 million. The amendment also introduces obligations for non-government agencies and establishes a regulatory authority to oversee compliance.



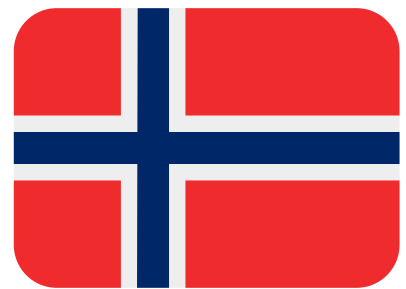
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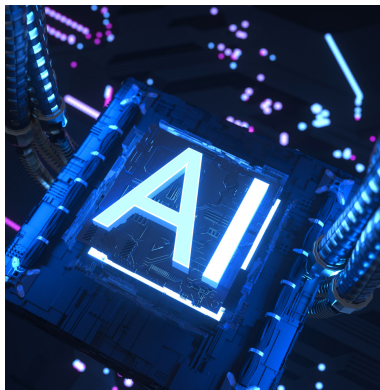
CJEU Rules on GDPR Compensation and Data Subject Rights

May 4, 2023 – The Court of Justice of the European Union (CJEU) addressed important aspects related to GDPR compensation and data subject rights. The CJEU clarified that not every violation of the GDPR automatically entitles individuals to compensation. Instead, compensation is determined by a three-condition standard. The severity of nonmaterial damages should not limit the amount of compensation, as national courts have the authority to assess damages independently. Furthermore, the CJEU emphasized that data subjects have the right to obtain a faithful and intelligible reproduction of their personal data, including extracts from documents or entire documents from databases containing their data.

Norwegian Statistics Bureau Prohibited from Gathering Grocery Data



May 4, 2023 – Norway's data protection authority, Datatilsynet, has issued a prohibition against Statistics Norway's collection of data regarding Norwegians' grocery purchases. The Datatilsynet expressed concerns that the collected data could be linked to individuals' socioeconomic information, including income and education level.



White House Initiates Further Explorations into Artificial Intelligence

May 23, 2023 – U.S. President Joe Biden has launched additional initiatives to explore the potential impacts of artificial intelligence (AI) technologies and mitigate associated risks. These efforts include a public consultation led by the Office of Science and Technology Policy, focusing on "critical AI issues." The White House has also updated its roadmap on federal AI research and development, outlining priorities and goals for federal investments in this field. Additionally, the Department of Education has released a report highlighting considerations regarding the use of AI in education.

AEPD Releases Guide on Working with 'Data Spaces'

May 4, 2023 – Spain's data protection agency, the AEPD, has published a comprehensive guide on the utilization of "data spaces" in compliance with personal data protection laws. The guide provides valuable information on the fundamental regulatory framework that governs data spaces. It includes dedicated chapters that explore the implementation of data protection by design within data spaces, as well as the crucial role of data protection officers in ensuring compliance with applicable laws.



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Philippine Telecom Giants and NPC Join Forces to Enhance Data Protection Measures



May 12, 2023 - The National Privacy Commission (NPC) of the Philippines has collaborated with the country's top three telecommunications providers through a memorandum of understanding (MOU) aimed at enhancing their personal data protection measures. The primary objective of this partnership is to assist these companies in effectively combating fraudulent activities, particularly scams involving the unauthorized disclosure of personal information through text messages.

White House OSTP Seeks Input on Automated Employee-Monitoring Tools

May 1, 2023 - The U.S. White House Office of Science and Technology Policy (OSTP) has published a request for information, seeking input on automated tools used by employers for the surveillance, monitoring, and management of workers. This initiative aims to advance the understanding of the design, deployment, prevalence, and impacts of these automated technologies.



EDPB's Guidelines on Law Enforcement's Use of Biometric Technologies

May 17, 2023 - The European Data Protection Board (EDPB) has published its finalized guidelines on the utilization of biometric technologies by law enforcement agencies. The board emphasizes that the guidance underscores the importance of adhering to the Law Enforcement Directive and utilizing facial recognition technology only when necessary and proportionate in accordance with the principles outlined in the EU Charter of Fundamental Rights. Furthermore, the EDPB has restated its call for a prohibition on specific applications of facial recognition technology.

IAB Europe Unveils Transparency and Consent Framework 2.2

May 17, 2023 - The Transparency and Consent Framework Steering Group of IAB Europe has introduced Version 2.2 of the Transparency and Consent Framework. 2.2. The central policy amendments include removing the legitimate interest legal basis for advertising and content personalization, improving information given to end-users and requiring vendors to provide additional information on their data processing activities.

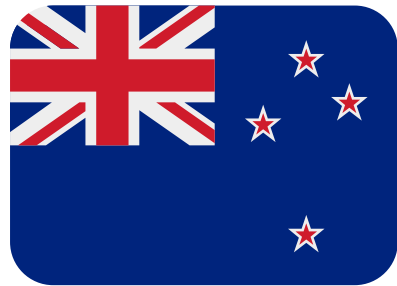


Montana Governor Enacts Ban on TikTok Due to Privacy Concerns

May 17, 2023 - The Governor of Montana has signed Senate Bill 419, which effectively prohibits TikTok from operating within the state and restricts mobile app stores from offering the platform to Montana residents. The ban is rooted in concerns over privacy violations and the collection of personal, private, and sensitive information of American users by TikTok.



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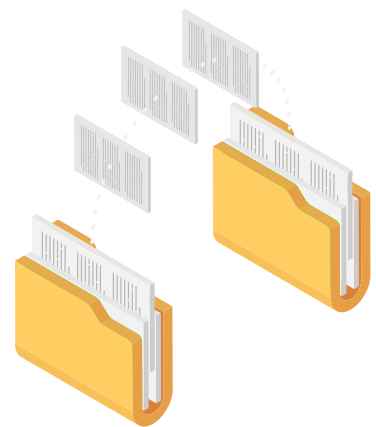


New Zealand OPC Presents Principles for Responsible Deployment of Generative AI

May 25, 2023 - The New Zealand Office of the Privacy Commissioner (OPC) has introduced seven key principles for the responsible deployment of generative AI. These principles include necessity, proportionality, privacy impact assessments, and prohibitions on data retention, among others.

ASEAN and EU contractual clauses joint guide published

May 24, 2023 - The Association of Southeast Asian Nations (ASEAN) and the European Commission have jointly published a comprehensive guide on the application and utilization of contractual clauses in cross-border data transfers. This guide serves as a valuable resource, offering a high-level comparison between ASEAN model contractual clauses and the EU's standard contractual clauses. By facilitating a better understanding of these clauses, the guide aims to streamline and promote smooth cross-border data transfers between ASEAN and EU countries.



US state legislatures introduce privacy bills

Indiana- May 1, 2023 - Indiana has become the seventh U.S. state to pass a comprehensive privacy law with the enactment of the Indiana Consumer Data Protection Act. Covered entities will have a period of over two and a half years to achieve compliance, as the law is set to take effect on January 1, 2026.



Louisiana- May 3, 2023 - Louisiana senators have reintroduced the Children and Teens' Online Privacy Protection Act 2.0, aimed at updating online privacy protections for children and teenagers in the 21st century. The proposed bill includes provisions that prohibit internet companies from collecting personal data of users aged 13-16 without consent, bans targeted advertising to children and teens, extends coverage to platforms "reasonably likely to be used" by children, and establishes a "Digital Marketing Bill of Rights for Teens." Additionally, the legislation seeks to establish a dedicated Youth Marketing and Privacy Division within the U.S. Federal Trade Commission to oversee compliance and enforcement of these regulations.

Florida- May 8, 2023 - Florida has enacted Senate Bill 262, a significant piece of legislation that grants consumers the right to access information collected about them by companies and the ability to request the deletion of certain data. The bill also mandates that companies offer consumers the option to opt out of targeted advertisements based on non-pseudonymous data. However, it does not require opt-outs for targeted ads based on pseudonymous data.

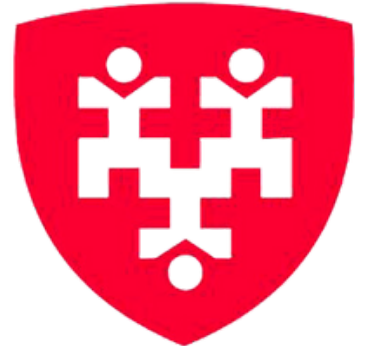
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Data Breaches

The Harvard Pilgrim breach exposed patient and provider data

May 25, 2023 - Point32Health, the parent organization of Harvard Pilgrim Health Care, has confirmed that a cyberattack, which started in March, resulted in the exposure of personal information belonging to patients and healthcare providers. The breach occurred between March 28 and April 3, during which personally identifiable information was accessed. In response, Harvard Pilgrim stated that they are actively working to implement improved data security measures and safeguards to prevent similar incidents from occurring in the future.



Government Data Breach Exposes Northern Territory Patients' Information

May 25, 2023 - A data breach in Australia's Northern Territory government has resulted in the inadvertent sharing of sensitive health data of numerous individuals with a third-party global vendor. The Northern Territory Health Department, known as NT Health, had undertaken a consolidation of four systems into one using the Core Clinical Systems Renewal Program in collaboration with the vendor InterSystems during 2018-19. Regrettably, it has been discovered that InterSystems offices in China, Europe, and South America may have inappropriately accessed the health data of approximately 50,616 patients.

Massive Ransomware Attack Results in Theft of Personal Data of 3 Million US Citizens

May 4, 2023 - Over 3 million members of a nationwide supplemental health insurer had their personal information compromised in a ransomware attack that targeted the insurer's transfer software. The breach, as reported by the U.S. Department of Health and Human Services Office for Civil Rights breach portal, affected members across the United States.



Toyota Admits Exposing Vehicle Data of 2M Japanese Customers in Public Cloud System

May 12, 2023 - Toyota has attributed the exposure of vehicle data belonging to over 2 million Japanese customers to "human error." The company acknowledged that identification numbers and location data of vehicles registered on Toyota's primary cloud service platform since 2012 were inadvertently made publicly accessible. The data remained exposed for a decade due to the cloud system being mistakenly set to public instead of private, as intended by Toyota.

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Fines and Penalties

Meta was fined a record of 1.2B euros under GDPR by Ireland's DPC

May 22, 2023 - Ireland's Data Protection Commission (DPC) has imposed a record-breaking fine of 1.2 billion euros on Meta Platforms Ireland, the parent company of Facebook, under the European Union's General Data Protection Regulation (GDPR). The fine was levied due to alleged unlawful data transfers from the EU to the U.S. Meta has stated its intention to appeal the ruling and contest the imposed penalty.

CNIL imposes additional 5.2M euro fine on Clearview AI for non-compliance

May 10, 2023 - Clearview AI, a facial recognition technology company, has been ordered by France's data protection authority, the CNIL, to pay a penalty of 5.2 million euros due to delayed compliance with a previous order issued by the regulator. In October 2022, Clearview AI was initially fined 20 million euros by the CNIL for violations of the EU General Data Protection Regulation. The original order mandated Clearview AI to achieve compliance within two months, with a daily penalty of 100,000 euros for each day after the compliance deadline. The CNIL stated that the company failed to provide any evidence of compliance, leading to an additional fine.



Clearview.ai

Google Settles Location Privacy Lawsuit for \$39.9 Million

May 22, 2023 - Google has reached a settlement amounting to \$39.9 million in a lawsuit concerning its location tracking practices. The lawsuit centered around allegations of deceptive practices related to user controls over the collection and utilization of location data by Google. As part of the settlement, Google has also agreed to implement transparency measures mandated by the court.



Indiana licensing board finds doctor's handling of abortion data violated privacy laws

May 26, 2023- The Indiana Medical Licensing Board has determined that an Indianapolis doctor's actions regarding the handling of information related to the abortion of a 10-year-old victim of rape from Ohio violated privacy laws. Dr. Caitlin Bernard has been fined \$3,000 and will receive a letter of reprimand as a result. The state attorney general's office stated that Dr. Bernard disclosed the girl's age and state of residence to a newspaper.



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Fines and Penalties

CNIL imposes a 380K euro fine on health website for consent and cookie violations

May 17, 2023 – Doctissimo, a health-focused website, has been fined 380,000 euros by France's data protection authority, the CNIL, for violating the EU General Data Protection Regulation and the French Data Protection Act. The CNIL conducted four investigations in response to a complaint filed by Privacy International and found that the website failed to adhere to several key requirements. These included not storing data for longer than necessary, not obtaining proper consent from individuals for collecting health data, inadequately securing personal data, and failing to meet the cookie obligations outlined in the FDPA.



FTC Imposes COPPA Order on EdTech Provider for Alleged Violations

May 23, 2023– The Federal Trade Commission (FTC) has issued an enforcement order against Edmodo, an education technology provider, regarding potential violations of the Children's Online Privacy Protection Act (COPPA). The order specifically prohibits Edmodo from compelling students to provide excessive personal data beyond what is necessary for their participation in online educational activities. Additionally, the order mandates improvements in parental consent practices and the deletion of any models or algorithms associated with collecting children's data. This action by the FTC highlights the importance of safeguarding children's privacy in the edtech industry.



OCR settles for \$350K due to HIPAA Rule violations

May 17, 2023– MedEvolve has reached a settlement of \$350,000 with the U.S. Department of Health and Human Services Office for Civil Rights (OCR) following a data breach that exposed the sensitive health information of over 200,000 individuals. The OCR identified several potential violations of the HIPAA Rules, including the failure to comprehensively analyze risks and vulnerabilities related to electronically protected health information across the organization and the absence of a business associate agreement with a subcontractor. As part of the settlement, MedEvolve will be required to implement a corrective action plan aimed at strengthening electronic health data protection.





Azure Data Protection Consultants LLP

Contact us for any queries:



<http://www.azuredpc.com>



Azure Data Protection Consultants LLP



+91- 9599706305

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