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# PRIVACY DIGEST

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AZURE DATA PROTECTION CONSULTANTS LLP

October 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

### **Minister Rajeev Chandrasekhar Leads Consultations on DPDP Act Compliance**

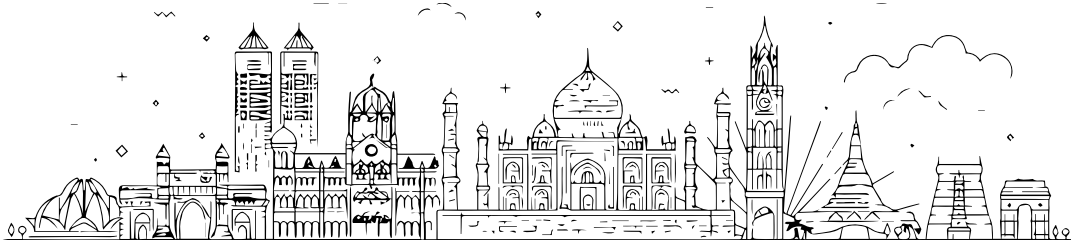
September 21, 2023 - Union Minister Shri Rajeev Chandrasekhar recently engaged in a Digital India Dialogue on Data Protection. He has revealed that the government will finalize the appointments to the Data Protection Board (DPB) and establish rules for the Digital Personal Data Protection Act within the next 30 days. The Ministry of Electronics and Information Technology (MeitY) has appointed Sanket S Bhondve, an IAS officer, to lead the establishment of the DPB.

While the Act is already in effect, there is likely to be a one-year grace period for compliance. Certain entities, such as startups, MSMEs, and hospitals, may be granted additional time to comply with regulations to facilitate a smooth transition.

Companies undergoing significant architectural changes will also be given extra time to ensure compliance with the Act. It has been clarified that the Act applies to entities under the jurisdiction of other regulatory bodies, such as the Reserve Bank of India (RBI) or the Insurance Regulatory and Development Authority of India (IRDAI).

### **G20 Leaders Reiterate Commitment to AI Collaboration and Privacy**

September 11, 2023 - During their recent meeting in New Delhi, India, G20 leaders reaffirmed their commitment to collaboration on artificial intelligence and privacy matters. These topics were highlighted within the context of the leaders' dedication to technological transformation and the development of digital public infrastructure. The declaration included a dedicated section emphasizing the responsible use of AI for the benefit of all, as well as the significance of ensuring the secure and lawful flow of data across borders while fostering trust.



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## Co-rapporteur Calls for Compromise on EU AI Act

September 25, 2023 - Brando Benifei, co-rapporteur for the European Parliament's Artificial Intelligence Act, has called upon the European Commission to find a middle ground on specific aspects, intending to reach a final agreement by year-end. The primary areas of disagreement revolve around AI-driven biometric surveillance and generative AI's use of copyrighted content.

## Saudi Arabia Enacts Personal Data Protection Law

September 14, 2023 - Saudi Arabia officially enacted its Personal Data Protection Law. This law governs the collection, processing, disclosure, and retention of data and includes a comprehensive framework of processing standards, data subject rights, obligations of entities involved in processing, data sovereignty, and penalties for violating the law's provisions.



## South Korea Approves Amendment to Personal Information Protection Act

September 5, 2023 - the State Council of the Republic of Korea gave its approval for the amendment to the Enforcement Decree of the Personal Information Protection Act (PIPA). Chairman Ko Hak-soo of the Personal Information Protection Committee has announced that the new enforcement regulations will come into effect on September 15th. This amendment to the PIPA involves the unification of standards for processing personal information across different sectors.





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## New Zealand Privacy Commissioner Provides Guidance on AI and Privacy Act Compliance

September 21, 2023 - Michael Webster, the Privacy Commissioner of New Zealand, has released guidance to help citizens using artificial intelligence tools adhere to the Privacy Act 2020. These new materials outline the connection between AI and the Privacy Act's 13 Information Privacy Principles, offering practical examples to illustrate how AI impacts these principles.

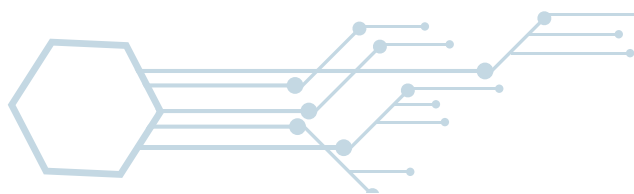
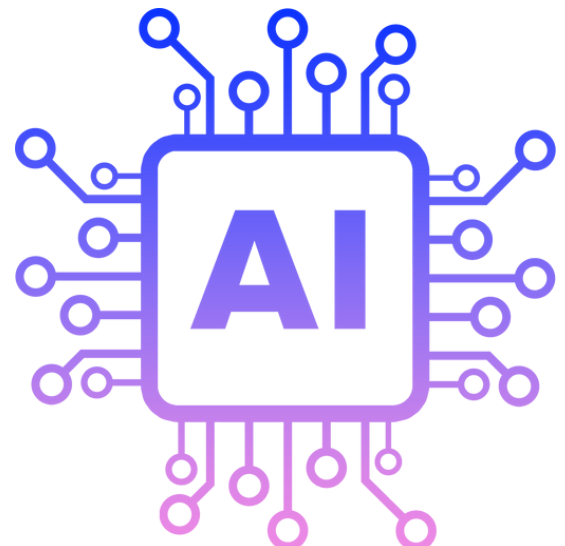


## Australia's Attorney-General Reveals Privacy Act Reform Details

September 27, 2023 - Australia's Attorney-General, Mark Dreyfus, has disclosed details regarding the provisions of the pending Privacy Act reform. Out of the total 116 recommendations, 106 will either be incorporated into an upcoming legislative update or addressed in future policies. Among the reforms are bans on targeted advertising to kids and enhanced transparency in artificial intelligence when personal data is used.

## AI Tech Firms Accused of Unlawful Data Scraping

September 7, 2023 - OpenAI and Microsoft are the subject of a class-action lawsuit filed in the U.S. District Court for the Northern District of California. The lawsuit alleges that both companies trained their artificial intelligence technology using personal data belonging to millions of online users, which was allegedly obtained illegally.





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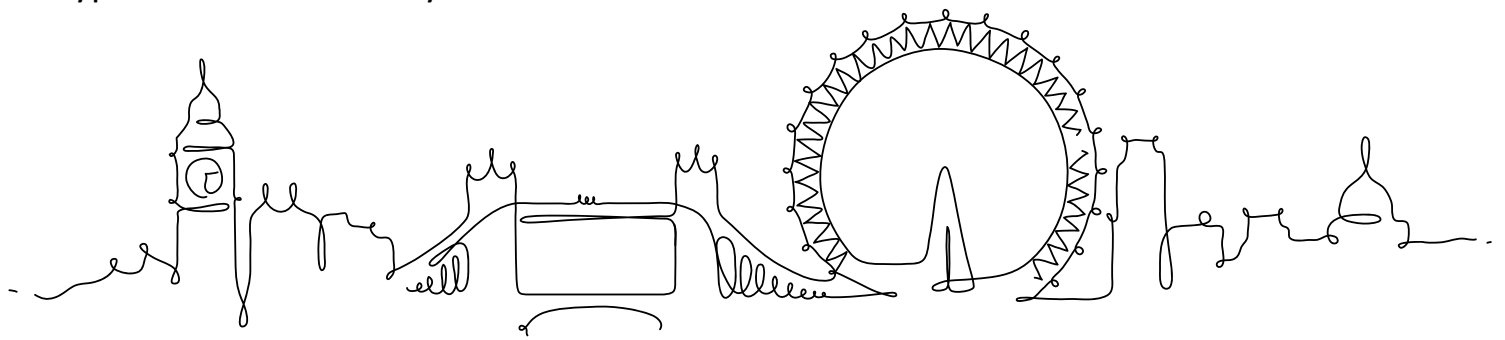
## UK Parliament Approves Online Safety Bill with Stringent Penalties

September 20, 2023 - The U.K. Parliament has successfully passed the Online Safety Bill. Following its enactment into law, pending Royal Assent, the Office of Communications will implement it in phases. Companies found to violate the bill's provisions could potentially face fines of up to £18 million or 10% of their global annual revenue as penalties for noncompliance



## UK Government Issues Guidance on End-to-End Encryption and Children's Safety

September 22, 2023 - The UK Home Office has issued guidelines addressing the relationship between end-to-end encryption standards and children's safety, particularly in the context of the recently passed UK Online Safety Bill. These guidelines clarify the intersection of these two subjects, describe existing techniques and technological solutions in use, and outline how the Online Safety Bill is applied within the context of encryption and child safety.

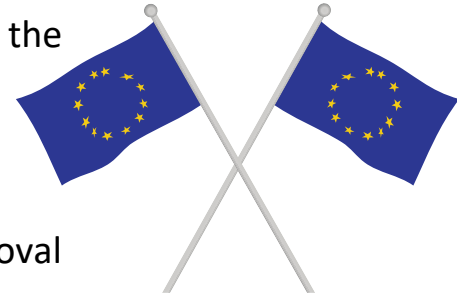


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## European Commission Unveils Digital Services Act Transparency Database

September 28, 2023 - The European Commission has introduced the Digital Services Act Transparency Database, which serves as a regulatory repository for public access to content moderation decisions made by online platform providers. This database will gather statements of reasons from providers explaining the removal or restriction of content, as mandated by the Digital Services Act (DSA). As of February 17, 2024, all online platform providers will be obliged to submit data to this database.



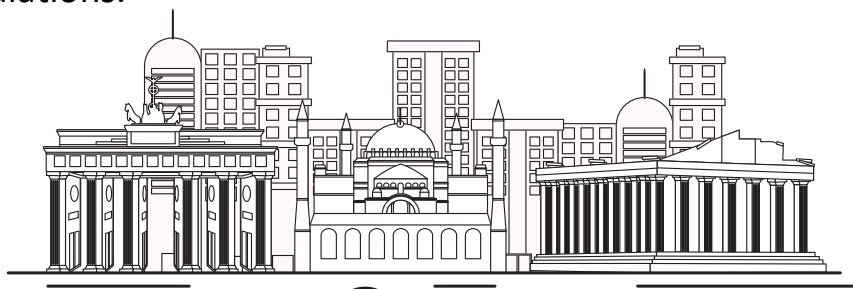
## EU Parliament Member Files Legal Challenge Against EU-US Data Privacy Framework

September 7, 2023 - French Member of the European Parliament Philippe Latombe has filed legal challenges with the European Union General Court regarding the EU-U.S. Data Privacy Framework. One of the challenges seeks an immediate suspension of the trans-Atlantic agreement for data transfers, while the other questions the legality of the text within the Data Privacy Framework (DPF).

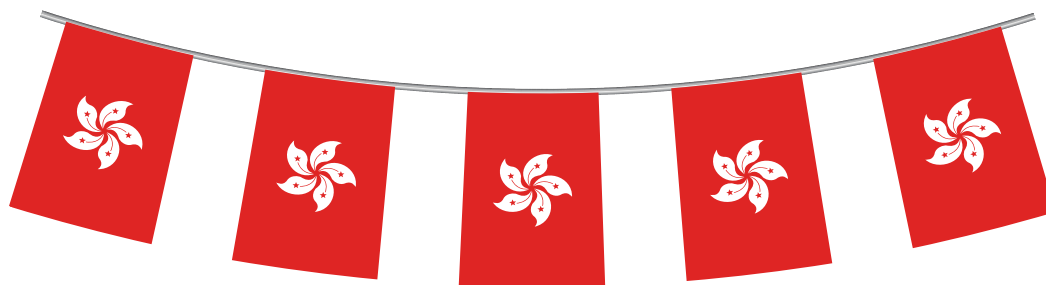


## EU Data Governance Act Takes Effect

September 25, 2023 - The EU Data Governance Act has become applicable to covered entities as of September 24. This legislation, designed to facilitate greater access to public-sector data for the development of new products and services, was enacted in June 2022. Covered entities were granted a 15-month grace period to ensure compliance with the new regulations.



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## Hong Kong Privacy Commissioner Addresses Concerns Regarding Data Scraping

September 7, 2023 - Ada Chung, the Privacy Commissioner for Personal Data in Hong Kong, has expressed concerns about the erosion of individual privacy in online shopping. She highlighted the risks associated with virtually every action taken while shopping online and underscored the importance of addressing these threats. Chung joined forces with leaders from 11 other data protection authorities to call upon technology companies to better fulfil their obligations in preventing unlawful data scraping, particularly emphasizing the risks posed by hackers who extract data from social media platforms.



POLAND



## Poland's Data Protection Authority Initiates Investigation into OpenAI's ChatGPT

September 22, 2023 - Poland's data protection authority has declared the commencement of an investigation into OpenAI's artificial intelligence chatbot, ChatGPT. This decision follows a formal complaint that alleges ChatGPT's activities infringe upon multiple provisions of the EU General Data Protection Regulation. The complaint specifically accuses ChatGPT of processing data unlawfully, in an unreliable manner, and without adequate transparency.





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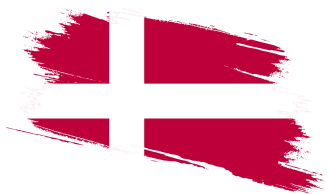
## Japan and U.S. Authorities Issue Joint Advisory on Router Firmware Threats by Chinese Hacker Group

September 28, 2023 - Cybersecurity and law enforcement agencies in Japan and the United States have jointly issued an advisory addressing router firmware threats posed by the Chinese-based hacker group BlackTech. Authorities have alleged that BlackTech possesses the ability to alter router firmware undetected and exploit domain-trust relationships within routers. The advisory further recommends the implementation of mitigation strategies aimed at detecting such activities and safeguarding devices against potential backdoors.

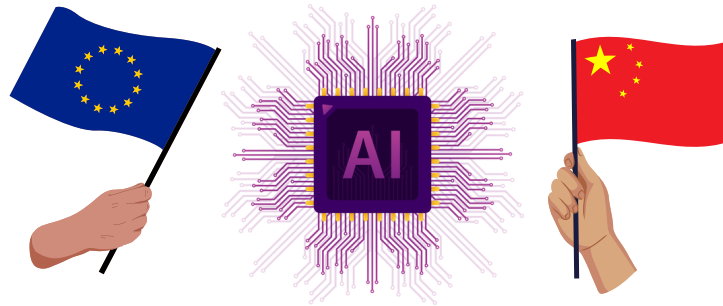


## Denmark's DPA Issues Guidelines for Preventing Unauthorized Employee Access to Personal Data

September 20, 2023 - Datatilsynet, Denmark's data protection authority, has released guidance aimed at preventing unauthorized employee access to personal data. The guidelines advise companies to conduct a risk assessment to establish suitable frameworks, restrict employee access to information only when it's work-related, maintain records of employees' personal data usage, and implement control measures such as continuous monitoring of employee interactions with systems containing personal data.



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## EU and China Resume High-level Digital Dialogue on Data and AI

September 18, 2023 - The European Commission and China conducted a second "High-level Digital Dialogue" to address various topics, including data regulation, artificial intelligence, and the cross-border flow of industrial data. Both parties have agreed to restart the China-EU Information and Communication Technologies Dialogue. EU Commissioner for Internal Market, Thierry Breton, acknowledged that they have differing approaches and systems in areas such as AI and data. However, he emphasized that this dialogue provides an opportunity to present the EU's comprehensive digital rulebook.

## Netherlands's Data Protection Authority Investigates Data Collection by Generative AI

September 18, 2023 - The Netherlands' data protection authority, AP, has initiated actions regarding concerns surrounding personal data collection by organizations utilizing generative artificial intelligence, with a particular focus on applications designed for children. AP has sought clarification from a technology company regarding its use of a chatbot in an app popular among children and has also approached OpenAI, the developer of ChatGPT, to inquire about its data handling practices during the training of the AI system.



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## Data Breaches

### **The Repercussions of the MOVEit Breach Persist, Affecting Colleges Across the United States**

September 26, 2023 - The National Student Clearinghouse has reported that 890 higher education institutions in the United States had their data compromised because of the MOVEit ransomware attack. This cyberattack affected schools from nearly every U.S. state and resulted in unauthorized access to substantial amounts of personally identifiable information. It's worth noting that universities across the nation are mandated by the U.S. Department of Education to employ MOVEit for sharing information with the National Student Clearinghouse.



### **Air Canada Reports Cyberattack Impacting Employee Data**

September 22, 2023 - Air Canada has disclosed that it experienced a cyberattack that resulted in the compromise of personal data belonging to its employees. According to Peter Fitzpatrick, a spokesperson for Air Canada, the hackers did not breach the airline's customer-facing systems or flight systems. However, details regarding the types of personnel records that were accessed, and the exact number of affected employees have not been provided.



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## Nearly 290,000 Individuals Affected by Ransomware Attack

September 22, 2023 - Lakeland Community College in Ohio is set to notify approximately 290,000 individuals whose personal information may have been compromised during a data breach that occurred in March. The college's health centre collaborates with University Hospitals, a network comprising 21 hospitals in Ohio. While the college did not provide specific details regarding the attack in a recent breach notification, it was noted that the ransomware group Vice Society had posted personally identifiable information stolen from the college on its website.

## Hamilton Health Services Reports 11 Breaches in 2023

September 1, 2023 - In 2023, Hamilton Health Services disclosed a total of 11 privacy breaches to the Information and Privacy Commission of Ontario. Among these incidents is a recent occurrence where eight former employees accessed the personal health information of 4,000 patients. The Information and Privacy Commission of Ontario has initiated an investigation into this recent breach and is also examining any potential systemic issues contributing to these incidents.



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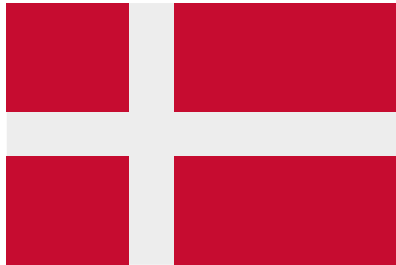
## Data breach Affects Pizza Hut Customers in Australia

September 20, 2023 - Approximately 193,000 Pizza Hut Australia customers may have had their personal information exposed in a cyberattack. The data at risk includes names, addresses, home delivery instructions, email addresses, and phone numbers. Pizza Hut Australia CEO Phil Reed has confirmed that the breach has been reported to the Office of the Australian Information Commissioner.

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## Fines And Penalties



### **Denmark's DPA Announces DKK1 Million Fine for Arp-Hansen Hotel Chain**

September 29, 2023 - Denmark's data protection authority, Datatilsynet, has reported that the Eastern High Court has issued a fine of DKK1 million in a case involving hotel chain Arp-Hansen. The breach pertains to the hotel chain's failure to adhere to self-imposed data erasure deadlines. Consequently, the Norwegian Data Protection Authority estimated that around 500,000 customer profiles should have been removed during the inspection visit.

### **CNIL Imposes €200K Fine on SAF Logistics**

September 28, 2023 - SAF Logistics, a multinational air freight company, was fined €200,000 by the French Data Protection Authority for alleged infringements of the EU General Data Protection Regulation. The CNIL investigated a complaint that the firm had engaged in excessive collection of data regarding employees' private lives.

# CNIL.





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## Kenya's Data Privacy Commissioner Imposes Penalties for Data Protection Act Violations

September 26, 2023 - Kenya's Office of the Data Privacy Commissioner has revealed three fines totalling KES9,375,000 for alleged infringements of the Data Protection Act, all related to the non-consensual use of personal data. The most substantial penalty, amounting to KES4,550,000, was levied against Roma School for posting pictures of minors without obtaining parental consent.

## California Attorney General Settles \$93M Case Against Google Over Location Privacy

September 15, 2023 -California Attorney General Rob Bonta has revealed a \$93 million settlement in a case related to Google's location privacy practices. The California Department of Justice found that Google had deceived users by gathering, storing, and utilizing their location data for the purposes of consumer profiling and advertising without obtaining informed consent. As part of the settlement, Google has agreed to take additional measures, including enhancing the information provided to users when they enable location-related settings, increasing transparency regarding location tracking and data collection, and notifying users about the potential use of their location data for personalized advertising.





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