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# PRIVACY DIGEST

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AZURE DATA PROTECTION CONSULTANTS LLP

November 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

### **India's IT Minister States that Draft Rules for DPDPA Are Nearing Completion**

October 30, 2023 -India's Union Minister for Railways, Communications, Electronics, and Information Technology, Ashwini Vaishnaw, has indicated that the government is on the verge of releasing the draft rules for the Digital Personal Data Protection Act (DPDPA). Following their release, the DPDPA draft rules will be open for a 45-day public comment period, while the Data Protection Board builds its digital architecture simultaneously.

### **India's Tech Minister Confirms Sectoral Regulators' Authority to Enforce Stricter Rules Under DPDPA**

October 16, 2023 -Rajeev Chandrasekhar, India's Minister of State for Electronics, and Information Technology, has provided clarity on regulations pertaining to sensitive personal financial information as outlined in the Digital Personal Data Protection Act. Chandrasekhar emphasized that any sectoral regulator has the authority to establish its own rules governing the storage and processing of personal data, including the imposition of stricter safeguards.



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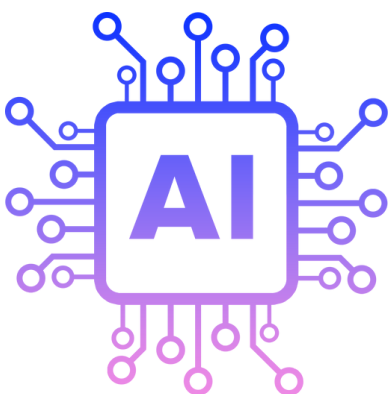
## G7 Leaders Agree on AI Guiding Principles and Code of Conduct

October 30, 2023 -The G7 announced their commitment to the International Guiding Principles on Artificial Intelligence and an International Code of Conduct for Advanced AI Systems. These evolving principles aim to address the ever-changing landscape of advanced AI, with a focus on reaping benefits and mitigating risks. The principles apply to all artificial intelligence (AI) actors, when and as applicable to cover the design, development, deployment, and use of advanced AI systems. The Code of Conduct further elaborates on the principles.



## President Biden Issues Executive Order on Safe, Secure, and Trustworthy Artificial Intelligence

October 30, 2023 -President Biden has issued an Executive Order to position the United States as a leader in harnessing the potential of artificial intelligence (AI) while managing its associated risks. This Executive Order introduces fresh standards to enhance AI safety and security, safeguard Americans' privacy, promote equity and civil rights, support consumers and workers, drive innovation and competition, advance U.S. leadership globally, and more. Additionally, the Administration will collaborate with foreign allies and partners to establish a robust international framework for overseeing the development and utilization of AI.



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## Google Introduces Legislative Framework for Protecting Kids Online

October 17, 2023 -Google has introduced a legislative framework aimed at providing policymakers with principles to develop more effective laws for safeguarding children online. Many of these principles focus on incorporating age-appropriate design features that prioritize safety, ultimately enhancing the online experience for minors. Simultaneously, YouTube has outlined five core principles dedicated to ensuring the safety of children on its platform, including the creation of specific safeguards for young viewers and assisting parents in monitoring their children's safe usage of YouTube.



## Negotiations on Proposed AI Act Enter Final Stages

October 25, 2023 -EU institutions made advancements in their recent trilogue negotiations concerning the proposed Artificial Intelligence Act. During the latest negotiations on October 24, policymakers reached an agreement on provisions for categorizing high-risk AI applications and established general guidelines for employing advanced foundation models. However, the discussions did not cover substantive talks on prohibitions and the use of AI by law enforcement. The next trilogue is scheduled to commence on December 6.



## California Delete Act Signed into Law

October 10, 2023 - The California Delete Act, officially introduced as Senate Bill 362, was signed into law on October 10, empowering individuals by granting them the right to erase their personal information from data brokers, revolutionizing privacy and data protection.

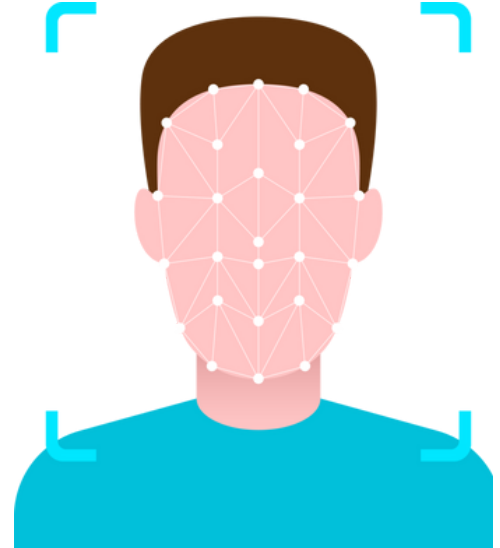
**DELETE**



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## US Lawmakers Introduce Bill to Restrict Law Enforcement's Facial Recognition Use

October 31, 2023 - U.S. Representative Ted Lieu, a Democrat from California, along with other House Democrats, has introduced a bill aimed at regulating the use of facial recognition technology by law enforcement. Under the proposed legislation, a warrant would be necessary, with probable cause indicating that an individual is suspected of having committed a serious violent felony before facial recognition technology can be employed.



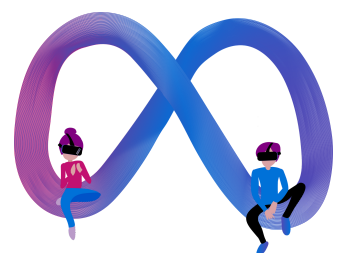
## Berlin Court Rules LinkedIn Must Honor Tracking Opt-Outs

October 31 2023 - The Berlin Regional Court, Landgericht Berlin, has prohibited LinkedIn from disregarding user tracking opt-outs, as disclosed by the Federation of German Consumer Organizations. Additionally, the court ruled that LinkedIn can no longer automatically make a member's profile visible on other websites as the default setting.



## Meta to Offer Ad-Free Services in Europe to Comply with GDPR

October 30, 2023 - Meta is set to introduce a subscription-based, ad-free service for Facebook and Instagram users in the EU, European Economic Area, and Switzerland in an attempt to adhere to the EU General Data Protection Regulation. Meta will continue to offer free access to both platforms, which will include "relevant" advertisements for users. Meanwhile, Norway's data protection authority, Datatilsynet, revealed that Meta has filed a lawsuit against the regulator to lift a ban on targeted advertising practices.



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## EU and Japan Finalize Data Transfer Agreement

October 30, 2023 -The European Union and Japan have reached a new Economic Partnership Agreement, featuring provisions for smooth cross-border data transfers. This agreement enables both parties to manage data efficiently, avoiding burdensome administrative or storage mandates and creates a stable legal environment conducive to economic growth.



## CNIL Seeks Comment on the Creation of AI Datasets

October 16, 2023 -France's data protection authority has initiated a consultation process regarding the creation of datasets for artificial intelligence development. The CNIL is in the process of formulating "how-to sheets" that offer practical and specific guidance to assist participants in the AI ecosystem in adhering to regulations related to personal data protection. The consultation will remain open until November 16.



## Canadian Court Grants 'Right to be Forgotten' on Google

October 2, 2023 - The Federal Court of Appeal in Canada has decided that Google's search engine falls under the country's federal privacy law. The court clarified that the exemption for journalistic or artistic activities does not extend to Google searches. This means that Canadians now have the right to request that their names not appear in search results, commonly referred to as the "right to be forgotten."





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## New York Enacts Law Prohibiting Distribution of Explicit Deepfakes

October 3, 2023 -Governor Kathy Hochul, a Democrat from New York, has signed a bill into law that prohibits the distribution of AI-generated deepfake content portraying non-consensual sexual images. Violating this law could result in a one-year jail sentence. Additionally, victims have the option to pursue a private right of action in civil court for damages.

## South Korea's PIPC Establishes AI Privacy Unit

October 5,2023 -The Personal Information Protection Commission in South Korea has introduced the creation of an Artificial Intelligence Privacy Team. This newly established team will concentrate on developing principles applicable within artificial intelligence settings, rather than merely adhering to existing regulations. The PIPC aims to explore a "principle-centred" disciplinary framework through this team, with a specific focus on addressing uncertainties that companies might encounter.







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## ICO's Preliminary Enforcement Notice Targets Privacy Risks of AI Chatbot

October 6, 2023 -The U.K. Information Commissioner's Office (ICO) has issued a preliminary enforcement notice directed at Snap. This notice may compel Snap to cease processing data linked to its artificial intelligence chatbot, "My AI." The ICO has emphasized that Snap should discontinue offering the "My AI" product to users in the UK until a proper risk assessment is conducted. A provisional investigation by the ICO revealed that the risk assessment conducted before the launch of "My AI" failed to adequately evaluate its data protection risks, especially concerning children.

## European Parliament Reaches Agreement on Proposal to Combat Child Sexual Abuse Material (CSAM)

October 25, 2023 -The European Parliament has approved a draft proposal aimed at combating child sexual abuse material (CSAM). This proposal mandates that digital platforms must actively detect and report instances of CSAM. The regulation also suggests granting the EU Centre extensive legal authority within member states' laws and utilizing a web-crawling bot to identify "publicly accessible" CSAM content.







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## China Introduces the Global AI Governance Initiative

October 19, 2023 -The Cyberspace Administration of China has introduced its "Global AI Governance Initiative," outlining a framework for the regulation of artificial intelligence. The framework emphasizes the need for "equal rights" in AI development, irrespective of a country's size, strength, or social system. It explicitly opposes the creation of ideological divisions or exclusive groups that might hinder other nations from advancing in AI. The initiative recognizes the profound impact of AI, as well as the unpredictable risks and complex challenges it presents.



## Privacy Commissioner of Canada Advocates Reform in Digital Charter Implementation Act Hearing

October 20, 2023 -Philippe Dufresne, the Privacy Commissioner of Canada, presented his views before the House of Commons Standing Committee on Industry and Technology during their hearing on federal privacy reform, focusing on Bill C-27, also known as the Digital Charter Implementation Act. Dufresne reaffirmed his office's previous suggestions for reform, emphasizing the importance of incorporating mandatory privacy impact assessments and the ability to impose fines into modernized privacy legislation. He also stressed the need to steer clear of government intervention through secondary regulations.

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## CFPB Proposes 'Personal Financial Data Rights'

October 20, 2023 -The U.S. Consumer Financial Protection Bureau (CFPB) has initiated a Notice of Proposed Rulemaking (NPR) related to open banking, which encompasses rules regarding financial data. The proposed "Personal Financial Data Rights" rule introduces requirements for consumer consent when third parties seek access to their data. The goal is to establish strong safeguards to prevent unregulated surveillance and inappropriate data usage, and to shift away from risky data collection practices. The public comment period for NPR will conclude on December 29.



## TikTok Representatives Discuss Data Storage in Canada's House of Commons Committee

October 20, 2023 -During a hearing at the House of Commons of Canada's Standing Committee on Access to Information, Privacy, and Ethics, TikTok executives addressed concerns about data storage in China. David Lieber, TikTok's Head of Privacy Public Policy for the Americas, assured the committee that China has not asserted its rights to access the data of Canadian TikTok users. However, he refrained from making absolute assurances about any potential backdoor access by the Chinese government.



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## Clearview AI Successfully Appeals 2021

### ICO Fine

October 18, 2023 -Clearview AI has won its appeal against a 2021 fine of 7.5 million GBP issued by the U.K. Information Commissioner's Office. The First-tier Tribunal members, presiding over the appeal, acknowledged that Clearview AI did indeed conduct data processing related to monitoring people's behavior in the UK. However, they ruled that the ICO lacked the jurisdiction to impose the penalty on Clearview AI because the company's primary users were law enforcement agencies situated outside the UK.



## Israel's PPA Revises Remote Learning Guidance

October 19, 2023 -Israel's Privacy Protection Authority (PPA) has revised its guidelines regarding safeguarding student privacy in the context of remote education. The PPA acknowledges that the shift to remote online learning can significantly affect student privacy, particularly in terms of safeguarding their personal information. The PPA further points out that digital applications used for online distance learning, like many online systems, are not immune to breaches and situations involving the unauthorized disclosure of information





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## U.S. House Subcommittees Plan New AI Hearings

October 16, 2023 -On October 18, U.S. House subcommittees will convene separate hearings to delve into the consequences and potential regulation of artificial intelligence technologies. The House Committee on Science, Space, and Technology's subcommittees will conduct a joint hearing to discuss fundamental risk management principles.

Concurrently, the House Committee on Energy and Commerce Subcommittee on Innovation, Data, and Commerce will hold a hearing to investigate the role of data and innovation within the foundations of AI.



## Google Seeks Case Dismissal Over AI Training Data Scraping

October 18, 2023 -Google has submitted a request to the U.S. District Court for the Northern District of California to dismiss privacy claims related to data scraping for artificial intelligence model training. Google argued that collecting public data is essential for fueling its generative AI technologies and expressed concerns that the lawsuit poses a significant threat to the fundamental concept of generative AI, stating it could potentially "take a sledgehammer" to this idea.



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## OPC Issues Complementary Guidance on Children's Privacy

October 18, 2023 -The Office of the Privacy Commissioner of Canada has released two guidance notes aimed at bolstering children's privacy standards in line with a recent joint resolution with provincial privacy authorities. The first guide centers on the importance of prioritizing the "best interests of young people" in data processing activities, while the second guide provides organizations with recommendations on implementing best practices for safeguarding children's privacy.



## EU General Court Rejects Request to Temporarily Halt EU-US Data Privacy Framework

October 12, 2023 -The European Union General Court has rejected a request for interim measures to halt the enforcement of the EU-U.S. Data Privacy Framework. This ruling follows a legal challenge by French Member of the European Parliament Philippe Latombe, who contested the transfer agreement and the subsequent adequacy decision. The court said Latombe cannot prove the individual or collective harm the agreement raises.

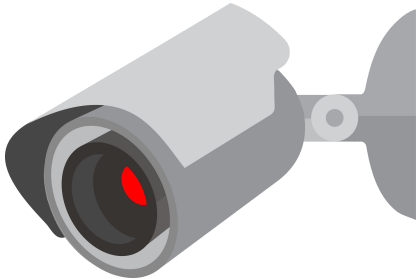
## Hong Kong's PCPD Cautions Vigilance Following WhatsApp Breach

October 12, 2023 -The Office of the Privacy Commissioner for Personal Data in Hong Kong has issued a warning to individuals, urging them to take precautions while using WhatsApp, following a hack that compromised the data of 900 users. The statement offers various recommendations, such as enabling two-factor authentication and exercising vigilance when receiving unsolicited text messages.





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## **New Zealand Privacy Commissioner Addresses the Use of CCTV in School Bathrooms**

October 12, 2023 -New Zealand Privacy Commissioner Michael Webster, in a blog post, mentioned that his office has been receiving inquiries from schools about the potential use of closed-circuit television cameras in bathrooms to deter misconduct. He recommends that schools establish well-defined policies for camera deployment, restrict the data collected, and conduct privacy assessments before the installation of any such devices.

## **Italy's Data Protection Authority Issues Privacy Guidelines for Schools**

October 10, 2023 -Italy's data protection authority, the Garante, has issued recommendations for schools on safeguarding the privacy of students, staff, and families. The guidelines encompass various aspects, including the appropriate handling of photos taken on school trips, staying up to date with regulations, and ensuring privacy protection while using educational technology.



## **South Korea's PIPC Launches Oversight Program for AI**

October 12, 2023 -South Korea's Personal Information Protection Commission is set to initiate its regulatory program for artificial intelligence on October 13. The pilot for the PIPC's "Prior Appropriateness Review System" aims to encourage the safe use of data and establish trust in personal information by proactively evaluating and ensuring the compliance of data collection practices with the Personal Information Protection Act.

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## Amazon Prepares Cloud Service to Comply with EU Data Standards

October 26, 2023 -Amazon Web Services has unveiled an independent cloud service tailored for European customers to adhere to the European Union's data privacy and sovereignty standards. This service is expected to function similarly to Amazon's cloud services in other regions but will store all metadata within the EU and offer additional data residency options.



## European Commission Recommends Enhanced AI Risk Assessments to Support Economic Security

October 05, 2023 -The European Commission has unveiled a recommendation aimed at enhancing artificial intelligence risk assessments to bolster the economic security of the European Union. The recommendation encompasses six categories of AI technologies, such as data analytics, language learning, and object recognition. The commission's objective is to collaborate with EU member states to collectively conduct risk assessments within these domains by the end of the year.





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## Data Breaches

### 23andMe Confirms Data Breach

October 26, 2023 - 23andMe has contacted numerous customers via email to notify them that a data breach affected the feature enabling them to compare their ancestry information with other users.



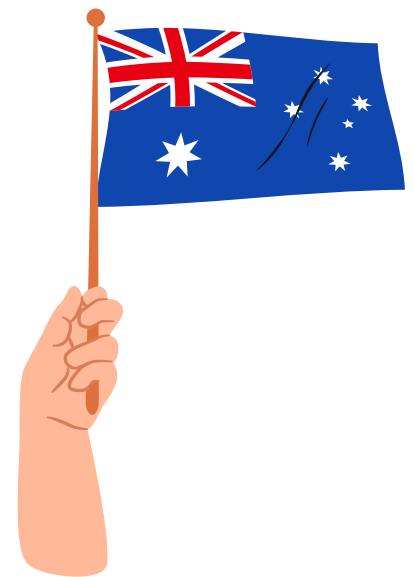
### Ontario Hospitals Face Potential Data Breach Due to Cyber Attack

October 27, 2023 -A cyberattack on Canadian technology provider TransForm may have impacted databases at five hospitals in Ontario. TransForm is currently probing the incident to determine its cause and extent, including whether any patient information was compromised.



### Australian Law Firm Delays Data Breach Notification

October 26, 2023 -Clients of the Australian law firm HWL Ebsworth were allegedly not notified of a personal data breach involving the firm for a period of six months. In April, the law firm was targeted by the ransomware group ALPHV/BlackCat, which resulted in the theft of 3.6 terabytes of personal data. This incident impacted 65 government agencies, including the Office of the Australian Information Commissioner. HWL Ebsworth asserts that they delayed informing clients because a comprehensive manual review was necessary to assess the personal information involved and identify affected individuals.



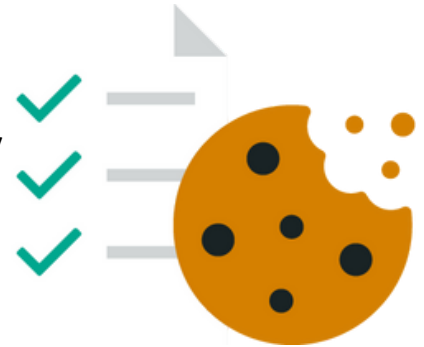


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## Fines And Penalties

### Amsterdam Court Orders Online Advertiser to Halt Cookie Usage

October 23, 2023 -The Amsterdam District Court, known as Rechtbank Amsterdam, has issued an order to an online advertiser Criteo, instructing them to cease the use of third-party cookies and implement corrective actions. Failure to comply may result in daily fines. The court ruled in favor of the plaintiff's complaint regarding the unauthorized placement of cookies. Criteo is now obligated to fulfill the plaintiff's requests for access, receipt, and deletion of data, while also notifying third parties of these requests. The potential total fines for noncompliance could amount to a maximum of 85,000 euros, in addition to attorney's fees.



### US Judge Approves \$23 Million Google Privacy Settlement

October 16, 2023 -A 13-year-long legal dispute involving Google allegedly sharing users' personal information with publishers is nearing its conclusion after a U.S. judge approved a \$23 million settlement. The lawsuit alleged that search engine queries were being transmitted to third parties. U.S. District Court Judge Edward Davila stated that the agreement was "fair, accurate, and reasonable."



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## FTC and CFPB Settle for \$23 Million Over FCRA Violations

October 12, 2023 -The U.S. Federal Trade Commission (FTC) and the Consumer Financial Protection Bureau (CFPB) have revealed a \$23 million settlement with TransUnion, a credit reporting agency, over allegations of violations of the Fair Credit Reporting Act. The claims revolved around improper records and report filings, specifically inaccurate or incomplete eviction records within consumer reports that resulted in housing denials. As part of this settlement, a joint sum of \$15 million was agreed upon, and the CFPB imposed an additional penalty of \$8 million for improper holds on credit reports.



## Garante Imposes 10 Million Euro Fine on Utility Company for Illegal Personal Data Processing

October 25, 2023 -Italy's data protection authority, the Garante, has imposed a fine on a utility company following consumer complaints that the company processed "out-of-date personal information" to activate "unsolicited contracts." Axpo Italia has been instructed to pay a fine of 10 million euros for the unlawful processing of personal data belonging to over 5,000 customers.



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