
PRIVACY DIGEST



AZURE DATA PROTECTION CONSULTANTS LLP

December 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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Latest Trends

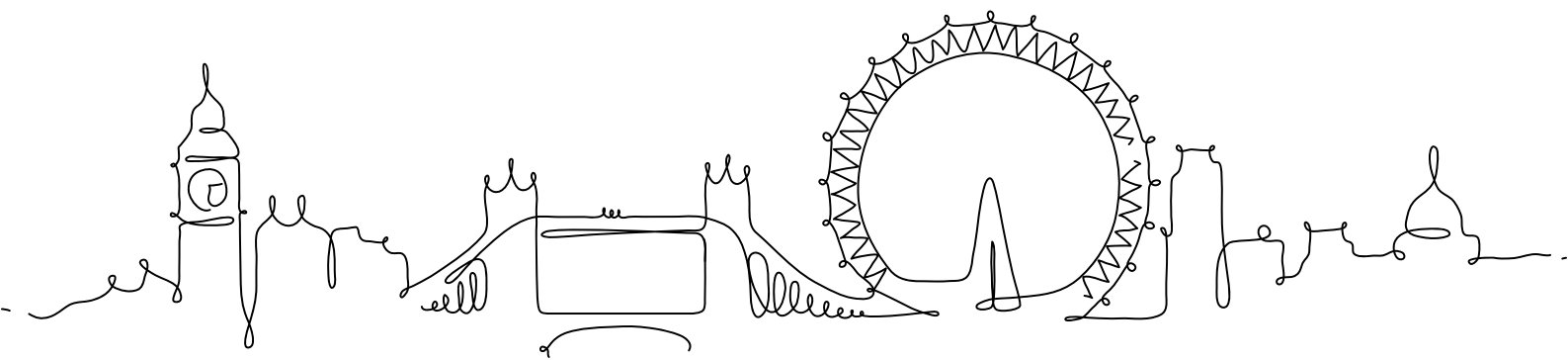
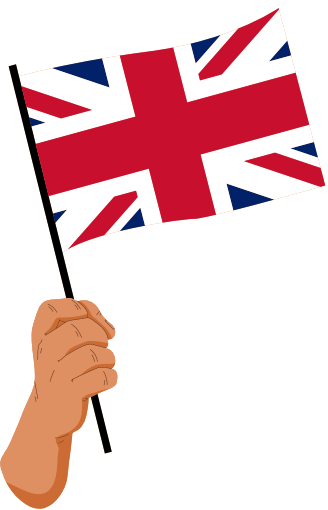
The European Union Council Approves The Data Act

November 27, 2023 - The Council of the European Union officially endorsed the Data Act, which encompasses a range of objectives. The primary focus of the act is to foster fairness in distributing value derived from data utilization within the digital economy. It also aims to facilitate smoother transitions between data processing providers. Moreover, it introduces robust safeguards against illicit data processing and endeavors to elevate interoperability standards for seamless data exchange across economies.



UK Government Introduces Amendments to Data Protection and Digital Information Bill

November 27, 2023- The U.K. government unveiled modifications to the proposed Data Protection and Digital Information Bill (No. 2). Michelle Donelan, the U.K. Secretary of State for Science, Innovation, and Technology, highlighted that these amendments target various areas, including cracking down on cookies, eliminating redundant paperwork that hampers productivity, addressing benefit fraud, and simplifying safeguarding citizens from criminal activities. The revised bill is set to be deliberated in the U.K. House of Commons on November 29.



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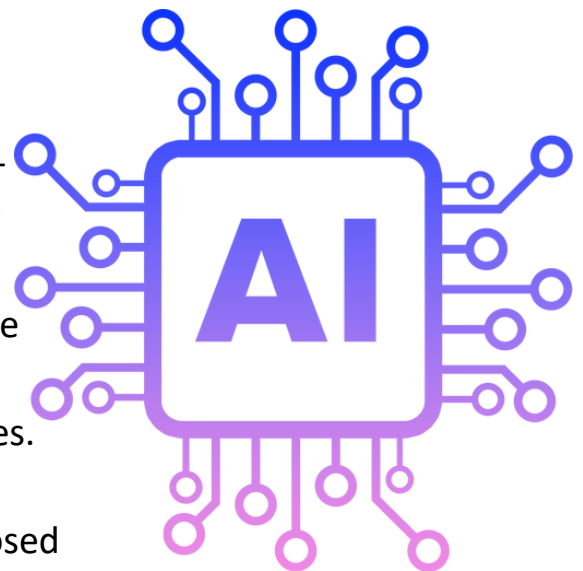


Negotiations on Foundational Models Persist in EU AI Act Discussions

November 20, 2023- France, Germany, and Italy are advocating for the inclusion of a code of conduct in the proposed Artificial Intelligence Act, which would grant companies the option to engage in self-regulation rather than adhering to the initially suggested tiered regulatory framework. The Telecommunications and Information Society Working Party of the Council of the European Union is slated to address foundational models in a meeting scheduled for November 21.

OECD Revises Definition of Artificial Intelligence

November 10, 2023- The Organisation for Economic Co-operation and Development (OECD) has adopted a new definition of "artificial intelligence." This definition is expected to influence the basis for defining AI within the proposed EU AI Act. The OECD's updated AI definition builds upon its 2019 principles for trustworthy AI policies. Additionally, Brando Benifei, co-rapporteur for the European Parliament AI Act, stated that once the proposed legislation is enacted, it could potentially serve as model legislation for the global regulation of AI technology.



South Korea's PIPC Reveals Amendments to PIPA

November 22, 2023- The Personal Information Protection Committee of South Korea has announced the forthcoming release of several proposed amendments to the Personal Information Protection Act. These changes, set to be unveiled between November 23 and January 2, 2024, encompass the introduction of data rights for individuals affected by automated decisions. Additionally, the amendments will outline the responsibilities of data protection officers and institute procedures for evaluating safeguards concerning personal information utilized in the public sector.



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US Senate Committee Issues Subpoenas to Social Media Companies Regarding Children's Online Safety Concerns

November 22, 2023- The CEOs of Discord, Snap, and X (formerly Twitter) have been summoned to testify before the U.S. Senate Committee on the Judiciary on December 6th regarding their initiatives to combat the abuse of children online. Leaders of the committee have asserted that these companies must address perceived shortcomings in preventing exploitation and provide insights into measures intended to prevent such incidents in the future.



Switzerland's FDPIC Affirms Federal Data Protection Act's Applicability to AI

November 10, 2023- Switzerland's Federal Data Protection and Information Commissioner (FDPIC) has issued a directive to reiterate that the provisions of the Federal Data Protection Act remain applicable to data processing activities involving artificial intelligence models until the end of 2024. The FDPIC indicated that after this period, the Federal Council may introduce sector-specific legislation tailored to various AI applications.



EDPB Adopts Guidelines on the ePrivacy Directive

November 15, 2023- The European Data Protection Board has issued an opinion regarding how Article 5(3) of the ePrivacy Directive oversees tracking techniques. However, it's noted that the opinion does not cover exemptions or the specific methods through which consent for tracking should be obtained. These guidelines are set to undergo a public comment period lasting six weeks.

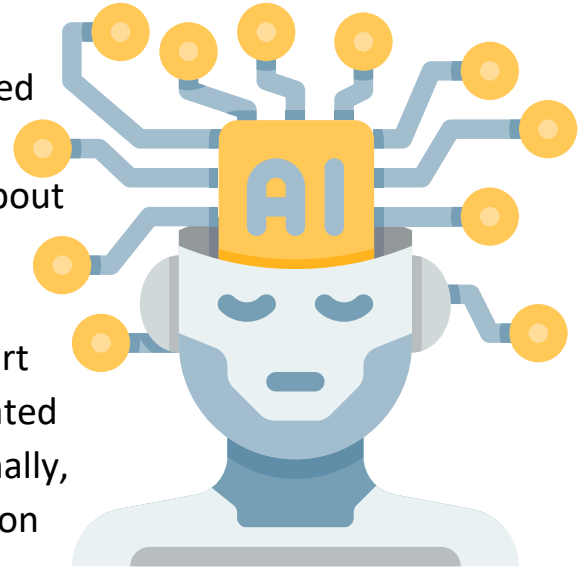


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Japan and U.S. Collaborate to Advance Privacy and AI Tech Policy

November 15, 2023- Officials from Japan and the United States, representing state security and commerce, convened on November 14 to engage in discussions about economic security and stability. The talks included a specific focus on topics such as privacy and artificial intelligence technology. The officials pledged to support cross-border data flow and enhance supply chains related to critical semiconductors used in AI systems. Additionally, both countries expressed the intention to collaborate on developing a framework for AI governance.



China Puts Forward Cybersecurity Guidelines for Auditors

November 15, 2023- China has released a draft proposal advising auditors to adopt additional cybersecurity measures, particularly when dealing with national security issues. The joint proposal, crafted by the Ministry of Finance and Cyberspace Administrations of China, aims to enhance cybersecurity standards within the finance industry. The draft is currently open for public comments and is set to receive feedback until December 11.



Spanish EU Council Member Suggests Modifications to the Health Data Proposal

November 17, 2023- The Spanish presidency of the Council of the EU is advocating for the European Health Data Space to incorporate an opt-out provision specifically for primary health data during emergencies. Additionally, there is a push to streamline the technical specifications for record systems. The final vote on this position is anticipated by the end of the month.



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Israel's Privacy Protection Authority (PPA) Releases Recommendations for Smart Home Devices

November 20, 2023- The Privacy Protection Authority of Israel has issued recommendations outlining best practices for the development of Internet of Things (IoT) products in the smart home domain. The guidance underscores the significant collection and processing of sensitive personal information inherent in these devices, emphasizing the potential risks of data leakage and public disclosure.



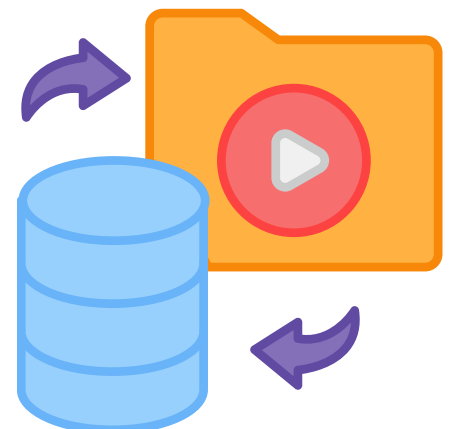
Italy Launches Investigation into Data Used for AI Training

November 21, 2023- Italy's data protection authority, the Garante, has revealed an inquiry into the practices of data collection for algorithm training. This investigation encompasses both public and private entities to validate the implementation of appropriate security measures to deter the extensive gathering of personal data through methods like web scraping. Concurrently, the regulator has initiated a 60-day public consultation to gather input on potential security measures aimed at combating data scraping.



Thailand Releases Draft Regulations on Cross-Border Data Transfers

November 7, 2023- The Personal Data Protection Committee in Thailand has published draft regulations concerning cross-border data transfers, aligning with Sections 28 and 29 of the Personal Data Protection Act. The draft outlines provisions for transferring data to countries with deemed adequate data protection standards, a determination the PDPC may make on a case-by-case basis. These draft regulations are open for public input until November 10th.

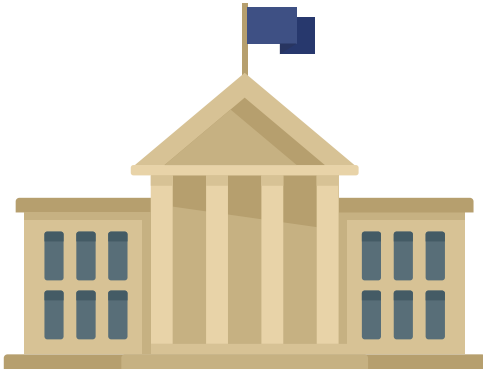


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Trilogue on Anti-CSAM (Child Sexual Abuse Material) Set to Take Place in the European Parliament

November 21, 2023- The European Parliament has disclosed the approval of its stance regarding the proposal aimed at combating the dissemination of child sexual abuse material. Members of Parliament demonstrated unanimous support for engaging in negotiations, and this received approval from the Committee on Civil Liberties, Justice, and Home Affairs on November 14th. Trilogue discussions on the proposal are slated to commence after the European Commission establishes its negotiating position.



Australia Appoints Privacy

Commissioner

November 27, 2023- The Office of the Australian Information Commissioner (OAIC) has officially appointed Carly Kind as the Privacy Commissioner. This newly established role is part of a revamped three-commissioner format, featuring distinct commissioners for information, privacy, and freedom of information. Carly Kind's term is set to commence on February 26, 2024.



New Zealand OPC Set to Formulate Regulations on Biometric Privacy

November 27, 2023- The Office of the Privacy Commissioner in New Zealand has declared its intention to assess and formulate a biometric privacy code by the year 2024. According to the OPC, this code aims to modify the application of the Privacy Act for entities utilizing biometric data, with the overarching goal of facilitating advantageous uses while implementing safeguards to mitigate potential privacy risks or harm.



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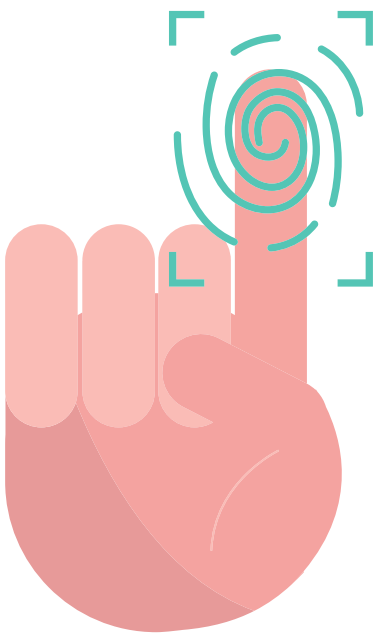
France Outlines Goals for Protecting Children Online

November 10, 2023- France's Online Child Protection Laboratory has outlined its goals for 2024, with a focus on addressing cyber harassment, particularly AI-generated sexual images. The agency aims to revise its charter, collaborate with international partners, and is currently engaged with Spain, the U.S., and the Korea Communications Standards Commission, along with various companies and public organizations, in pursuit of its mission.



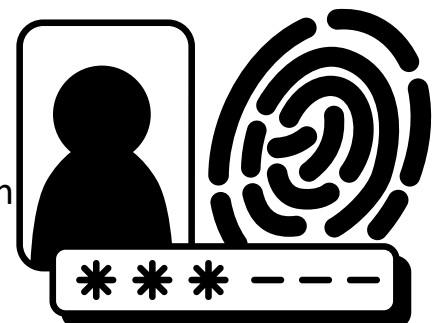
AEPD Issues Guidelines on the Utilization of Biometric Data

November 27, 2023- The data protection authority of Spain has issued guidelines regarding the utilization of biometric data for both professional and personal reasons. The guidance emphasizes that employers are obligated to adhere to the EU General Data Protection Regulation, irrespective of obtaining consent from employees. The AEPD specifically highlighted that consent alone is not a sufficient legal basis, citing an inherent imbalance between the individual undergoing the data processing and the entity conducting it.



TikTok Implements Privacy Restrictions for Children in Agreement with Vietnam

November 9, 2023- TikTok has reached an agreement with the Vietnamese government to introduce new privacy restrictions for children on the platform. The measures include the deletion of accounts and videos belonging to users under the age of 13. Additionally, users in Vietnam are now required to obtain parental or guardian consent before posting pictures or videos on TikTok.





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EU Sets Deadline for Meta and Snap to Provide Information on Measures Taken for Protecting Children

November 13, 2023- The European Commission has set a deadline of December 1 for Meta (formerly Facebook) and Snap to provide information on the measures they employ to protect children from harmful content. This deadline is in line with the one given to YouTube and TikTok. The actions follow the passage of the Digital Services Act, which imposes greater responsibilities on major technology companies to address illegal and harmful content.



Spanish Presidency Advances AI Regulation

November 24, 2023- The Spanish Presidency of the Council of the European Union has shared half of the Artificial Intelligence Act provisions about the utilization of AI models in law enforcement. The committee is expected to address the remaining half, covering crucial topics such as the use of foundation models, access to source code, system governance, and the sanction regime, on 1st December.





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Data Breaches

Maine Data Breach Affects 1.3 Million People

November 10, 2023- Around 1.3 million individuals in Maine may have had their personal information exposed following a Russian ransomware attack on the data transfer software MOVEit. The state has reportedly addressed the breach and is providing free credit monitoring to those impacted. Residents can contact a hotline to ascertain the extent of the compromised data.



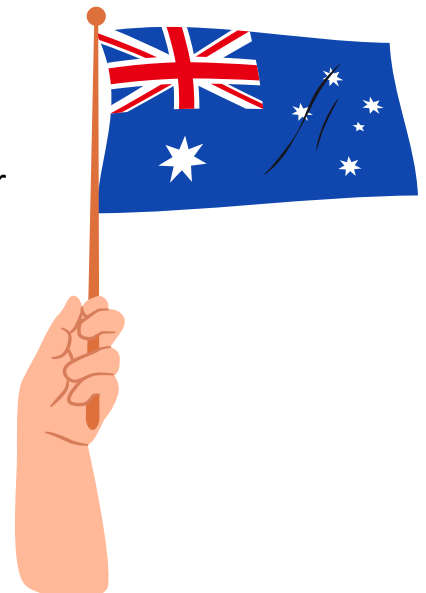
Ransomware Attack Targets Toronto Public Library

November 17, 2023- The Toronto Public Library fell victim to a ransomware attack, resulting in the theft of personally identifiable information belonging to current and former employees. The library is currently in the process of identifying the specific individuals affected and has announced plans to provide "two years of free credit monitoring services" for staff members whose personal information was compromised in the attack.



Health Data in the UK Reportedly Shared Without Consent

November 13, 2023- Reportedly, the health information of over 500,000 residents in the U.K. who donated their data for medical research was shared with health insurance companies without their consent. Biobank, the medical research company involved, contends that they only permitted researchers to access the health data collected. Biobank asserts that information about data sharing was explicitly communicated to participants during recruitment and the initial assessment.





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Canadian Government Employee Data Breached in Ransomware Attack

November 22, 2023- The LockBit ransomware group has asserted responsibility for a data breach resulting in the theft of 1.5 terabytes of information from Canadian government personnel. The Treasury Board of Canada Secretariat has announced its efforts to identify the individuals directly impacted. Nevertheless, any employee utilizing two specific government contractors since 1999 may be at risk of having their data compromised. The potentially affected data encompasses personal details and financial information.

Researcher Uncovers Potential Data Exposure in Children's Tablet

November 17, 2023- A researcher, Alexis Hancock, has identified that the Dragon Touch KidzPad, a children's tablet, contains malware that poses a potential risk to children's data. The tablet's software has been flagged as malware, capable of downloading and installing additional malicious software from the internet. Eldad Ben Tora, the founder of KIDOZ (the company behind Dragon Touch KidzPad), responded by stating that the company adheres to proper data protection standards. He emphasized compliance with the U.S. Children's Online Privacy Protection Act (COPPA) requirements, underscoring their commitment to prioritizing the protection of children's privacy.



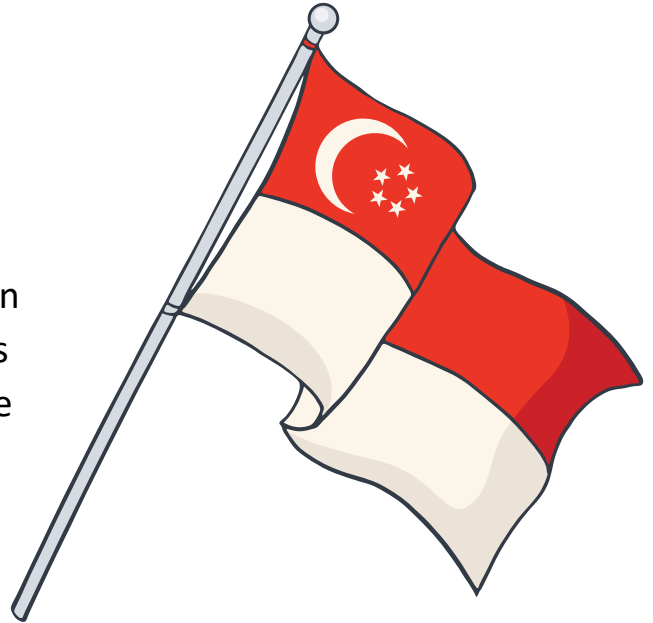


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Fines And Penalties

Singapore's PDPC Imposes Fines on Two Companies for Alleged Privacy Security Violations

November 15, 2023 -The Personal Data Protection Commission has imposed fines on two companies for allegedly falling short of establishing adequate personal data protections for consumers. Tokyo Century Leasing received a fine of SGD 82,000, while Ascentis was fined SGD 10,000.



Morgan Stanley Reaches \$6.5 Million Settlement with U.S. States

November 20, 2023- New York Attorney General Letitia James has revealed a \$6.5 million settlement with multinational financial firm Morgan Stanley following a multistate lawsuit alleging the company's negligence in safeguarding consumer data. Attorneys general from Connecticut, Florida, Indiana, New Jersey, New York, and Vermont asserted that Morgan Stanley "failed to decommission its computers and erase unencrypted data in certain computer devices that were later auctioned," putting consumer data at risk.





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Russian Court Imposes Fine on Google for Alleged Inadequate Storage of User Data

November 14, 2023-A Moscow court has reportedly imposed a fine of RUB 15 million on Google for purportedly refusing to store Russian users' data on servers located within Russia. This penalty follows earlier fines against Google for similar charges, with sanctions issued in both August 2021 and June 2022.

France's CNIL Imposes 97,000 Euros in Fines for Data Protection Violations

November 8, 2023- France's data protection authority, the Commission nationale de l'informatique et des libertés (CNIL), has issued 10 sanctions in recent months to both private and public entities, amounting to a total of 97,000 euros. The fines were imposed for various infractions, such as processing the geolocation data of employees during breaks while driving company vehicles and using video surveillance of employees at their workstations. The CNIL emphasized that these fines were issued under a new simplified sanction procedure.





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