

# Privacy & Data Protection

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## Headlines

- German DPAs make resolution on healthcare apps, p.18
- New Commissioner approved in UK, p.18
- Next Sweep to focus on connected devices, p.19

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## ‘Let’s just put this to bed’: UK Commissioner on Privacy Shield

UK Information Commissioner Christopher Graham has criticised the reluctance of the US to make changes to the Privacy Shield after the EU DPAs concluded that the framework fails to meet EU adequacy standards.

Graham said that the US should address the concerns raised in the Opinion given in early April, in which the Article 29 Working Party recognised the Shield as a step up from Safe Harbor, but identified several serious flaws.

One of the flaws is the lack of a data retention

principle. The Working Party said that the Shield as currently drafted would give its organisations the option to keep personal data as long as they wish, even after they have left the Shield — which clearly does not meet the requirements of European law.

The Shield’s purpose limitation principle also needs work, said the Working Party. It should be clear that an organisation cannot be authorised to process personal data for a purpose materially different from the original purpose of processing, if the additional purpose is incompatible with the

Shield’s ‘Data Integrity and Purpose Limitation Principle.’

The provisions concerning onward data transfers to third countries also lack the necessary safeguards. The Working Party found the provisions to be insufficiently framed regarding their scope, the limitation of their purpose and the guarantees applying to transfers to data processors.

Every Privacy Shield organisation should have the obligation to assess any mandatory requirements of national legislation applicable to the data

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## Law change in UK means nuisance callers may soon be thing of the past

From 16th May 2016, all direct marketing companies registered in the UK will need to display their phone numbers when making unsolicited calls, even if they have call centres overseas.

Organisations risk fines of up to £2 million from Ofcom and a further £500,000 from the ICO if they continue to bombard consumers with unwanted calls.

The move will make it easier for individuals to make formal complaints if they are harassed. It will also help the UK regulator to investigate those who break the rules by continuing to make nuisance calls.

The ICO has been aggressively cracking down on nuisance callers since late last year. It has issued a total of 11 fines, 9 of those

being since the threshold for imposing fines was made less restrictive in April 2015. The value of the fines issued since April 2015 is £2,035,000 compared with just £360,000 during the previous 12 months.

The latest fine, in April 2016, was against a Scottish firm for making 2.5 million recorded calls

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