

# Privacy & Data Protection

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## Headlines

- New Chinese cybersecurity regulator suggests greater challenges ahead for international tech companies, p.19
- New FCC Chairman accused of ‘gutting the Commission’s privacy rules’, p.20

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## EU-US Privacy Shield threatened with suspension

US privacy bodies, Human Rights Watch and the American Civil Liberties Union, have added weight to existing concerns regarding the validity of the EU-US Privacy Shield.

The organisations said that the effect of President Trump’s recent Executive Order (reported on page 1 of the last edition) was to “attack the rights of immigrants and foreigners—including specific provisions designed to strip these individuals of critical privacy protections that have been provided by previous Democratic and Republican admin-

istrations for decades. “Concurrently, there has been a deterioration in existing oversight and accountability structures.”

The comments are consistent with concerns raised by EU officials, including German politician Jan Phillip Albrecht, about Trump’s intentions with regard to the Shield.

The acting head of the US Federal Trade Commission, Maureen Ohlhausen, has played down the concerns, saying that the transatlantic agreement is unaffected by the President’s Executive Order. The FTC “will

continue to enforce the Privacy Shield protections, and we hope we will move ahead as planned,” she is understood to have said.

Recently, the EU DPAs said they would write to the US administration to seek assurances on this issue. “If there is a significant change, we will suspend” the accord, Vera Jourova, the European Union’s Justice Commissioner, said. “I will not hesitate to do it. There’s too much at stake.”

The Article 29 Working

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## UK data protection future—talks begin

The UK government’s EU Home Affairs Subcommittee is taking evidence from lawyers and academics on the Data protection Directive (2016/680) and General Data Protection Regulation, the EU-US Privacy Shield and the EU-US Umbrella Agreement.

Among the questions being considered are what the default position for data flows between the UK and the EU will be the

day after the UK leaves the EU, if it has yet to secure an adequacy decision (assuming that the UK will be treated as a third country on data protection issues once the UK is no longer a member of the EU).

The Committee is also interested in hearing views on the options available to the UK for ensuring unhindered flows of data between the UK and the EU post-

Brexit, and whether once the UK leaves the EU, it will continue to be a part of the EU-US Privacy Shield.

It is also asking what new arrangements may be required for data sharing between the UK and the US after the UK leaves the EU, and how important the EU-US Privacy Shield is to the UK economy.

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