

# Privacy & Data Protection

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## Headlines

- Regulator publishes in depth guidance on IT security, p.17
- Twitter releasing trove of user data to scientists for research, p.19
- Apple takes 'Internet of Things' mainstream, p.20

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## Regulators left in quandary as ECJ creates right to be forgotten

In a landmark case, Europe's highest court has ruled that search engine operators are obliged upon request to remove links from a person's name to third-party information, if that information is 'inadequate, irrelevant or no longer relevant, or excessive in relation to the purposes of the processing at issue.'

The ruling, which concerned search engine Google, effectively forces the company to remove links to content about individuals if it receives an application from data subjects to have information about them erased from

Google's index.

Google will then have to weigh up whether that information is in the public interest and whether it should remain, likely placing a significant staffing burden on the company.

Google Executive Chairman, Eric Schmidt, said that the ruling is flawed and leaves 'many open questions'.

In the UK, the regulator initially welcomed the judgment. The ICO then published an overview of what it sees as the main points to note from the judgment, and highlighted its reservations, saying:

"our concern remains how this can be achieved in practice and how to set reasonable expectations for the public about how such a right can operate ... we have to be realistic about how difficult it can be to completely remove all traces of personal information online."

The Deputy Commissioner, David Smith, explained that the ICO would be discussing the issue with fellow European Data Protection Authorities in the Article 29 Working Party, "to ensure a consistent approach is taken across Europe."

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## UK regulator consults on new CCTV Code

The ICO is consulting on an updated version of its CCTV code of practice, including a new section covering emerging technologies.

In a blog post about the new Code, Jonathan Bamford, Head of Strategic Liaison at the ICO, commented that, although CCTV clearly has its benefits, it can also clearly be intrusive. He asked "What thought's been

given to the views of the people it will be filming? What's going to happen to the hours and hours of recorded footage and information? And what other less intrusive ideas have been thought about?"

The guidance includes examples on body worn video cameras, ANPR systems and remotely operated vehicles.

Interested parties have until 1st July to respond to the consultation, which can be done by completing a questionnaire and sending it to the ICO. A copy of the consultation response document is available at:

[www.pdpjournals.com/docs/88188](http://www.pdpjournals.com/docs/88188)

An article on CCTV compliance will be published in the next edition of *Privacy & Data Protection*.