

# Privacy & Data Protection

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## Headlines

- Leaked document shows revisions to Regulation, p.17
- Irish and French regulators give new guidance on cloud computing, p.18
- Facebook and LinkedIn bring in the heavies, p.19

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## Safe Harbor not safe enough, says Working Party

US cloud providers' 'Safe Harbor' certification may not be enough to provide true security for European organisations' data, according to the latest Opinion of the Article 29 Working Party.

Safe Harbor, a compromise between the US and EU that has allowed data interchange between the two continents in the absence of a federal data protection law in the US, requires that organisations follow a certain set of privacy practices, such as informing individuals that their data are being collected and how those data will be used.

Taking a position which could drastically affect the adoption of cloud computing by European companies in a predominantly US-based cloud world, Opinion 05/2012 on Cloud Computing states that "loss of governance, insecure or incomplete data deletion, insufficient audit trails or isolation failures [are] not sufficiently addressed by the existing Safe Harbor principles on data security."

The Working Party recommends that organisations should firstly obtain proof that any claimed Safe Harbor certification exists and request evidence

demonstrating that the principles are complied with. Then, they should also verify if the standard contracts composed by cloud providers are compliant with national requirements. Finally, they should consider whether additional data security safeguards are necessary.

Though the Opinion is not legally binding, it will heavily influence decisions on where and how cloud based data are stored. Most cloud providers are based in the US, and if the Safe Harbor self-certifications

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## New call for evidence on Regulation

The UK Parliament Justice Select Committee has issued a request for written evidence for its new inquiry into the European Union Data Protection framework proposals.

The Committee invites written evidence on the question of whether the European Commission's proposed Data Protection Regulation strikes the right balance between the need for a proportionate, practicable but effective system

of data protection in the EU, and for business and public authorities not to be stifled by regulatory, financial and administrative burdens.

The Committee also asks whether the next steps that the UK government proposes to take during the negotiations are the right approach.

The next steps are set out in the recently pub-

lished 'Summary of Responses' to the UK government's previous call for evidence on the new Regulation.

The call for evidence, which was informed by 143 written responses, overall found that the new Regulation would represent an administrative burden, with social media companies, credit reference agencies and

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