



PRIVACY TICKER

1. Case Law

+++ EUROPEAN COURT OF JUSTICE (ECJ) RULING ON THE WEBSITE OPERATOR'S RESPONSIBILITY UNDER DATA PROTECTION LAW WHEN INTEGRATING THE FACEBOOK LIKE BUTTON +++

The ECJ has ruled that the operator of a website on which the Facebook Like button is integrated, together with Facebook, is a joint controller for the collection of user data and transmission of this data to Facebook on the basis of the Like button (Case C-40/17 „Fashion ID“). However, the operator of the website is not responsible for the subsequent data processing by Facebook.

The ruling of the ECJ is available for download [here](#).

2. Regulatory investigations and enforcement actions

+++ SUPERVISORY AUTHORITY OF HAMBURG INITIATES PROCEEDINGS FOR EVALUATION OF RECORDINGS BY GOOGLE ASSISTANT +++

The Hamburg Commissioner for Data Protection and Freedom of Information has initiated administrative proceedings against Google concerning the analysis and transcription of acoustic recordings of users of the Google Home Speech Assistant, which Google is making in order to improve the speech recognition of the software.

You will find the press release of the supervisory authority [here](#).

+++ BRITISH SUPERVISORY AUTHORITY ANNOUNCES RECORD FINE AGAINST BRITISH AIRWAYS FOR INADEQUATE IT SECURITY +++

The British Data Protection Supervisory Authority ICO has announced that it will impose a fine equivalent to more than EUR 200 million on British Airways Plc. This is due to inadequate

data security measures on the British Airways website and app, which allowed third parties to obtain customer data, including payment information.

The press release of ICO can be downloaded [here](#).

+++ FINES AGAINST MARRIOTT ANNOUNCED DUE TO INSUFFICIENTLY SECURED CUSTOMER DATABASE +++

ICO has also announced a fine equivalent to EUR 108 million against the operator of the Marriott hotel chain. This is due to inadequate security of customer reservation databases, which allowed third parties to gain unauthorised access to customer data and payment information. The database in question had been acquired by Marriott as part of the acquisition of the Starwood Hotels & Resorts operator and, according to official information, had already been compromised by third parties prior to the acquisition.

You will find the official press release [here](#).

+++ GREEK SUPERVISORY AUTHORITY IMPOSES FINE ON EMPLOYER FOR INVALID CONSENT +++

The Greek supervisory authority has imposed a fine of EUR 150,000 on the consultancy PWC for processing employee data to execute the employment contract and to protect its (legitimate) interests, while obtaining the employees' consent to the processing which, however, had neither complied with the requirements as to voluntariness nor had it been the correct legal basis.

You will find the authority's press release [here](#).

+++ FACEBOOK ACCEPTS FINE IN THE BILLIONS FOR PRIVACY BREACHES RELATED TO CAMBRIDGE ANALYTICA +++

In a settlement with the US consumer protection agency FTC, Facebook has undertaken to pay a fine of USD 5 billion (EUR approx. 4.5 billion) and additional obligations in connection with the non-transparent transfer of Facebook user data to Cambridge Analytica and the subsequent use of the data in connection with the US presidential election campaign.

You will find the official press release [here](#).

3. Opinions

+++ HESSIAN SUPERVISORY AUTHORITY CONSIDERS USE OF CLOUD-BASED OFFICE 365 IN SCHOOLS INADMISSIBLE +++

The Hessian Commissioner for Data Protection and Freedom of Information considers the use of cloud-based functions of Microsoft Office 365 by schools to be contrary to data protection law, since Microsoft in any case is not sufficiently transparent with regard to data processing, in particular with regard to the access possibilities of US authorities to data in the cloud (e.g. within the framework of the US Cloud Act). Update: After initial discussions with Microsoft, the Commissioner will tolerate the use of Office 365 by schools for now, provided the schools prevent the transmission of any diagnostic data.

The initial opinion can be found [here](#).

You will find the addendum to the opinion [here](#).

+++ BRITISH SUPERVISORY AUTHORITY PUBLISHES GUIDELINES ON THE IMPLEMENTATION OF COOKIES IN COMPLIANCE WITH THE GDPR +++

ICO has published guidelines on the use of cookies and similar technologies, highlighting in particular the interaction between the General Data Protection Regulation (GDPR) and the UK Privacy and Electronic Communications Regulations (PECR).

You will find the guidelines of ICO [here](#).

+++ OPINION OF THE EUROPEAN SUPERVISORY AUTHORITIES ON THE COMPETENT AUTHORITY IN THE EVENT OF A TRANSFER OF MAIN ESTABLISHMENT +++

The European Data Protection Board (EDPB) has issued an opinion explaining the impact of a relocation of a group's main establishment on the determination of the competent data protection supervisory authority.

The opinion is available for download [here](#).

+++ POSITION OF THE EUROPEAN SUPERVISORY AUTHORITIES ON DATA TRANSFERS TO THE USA UNDER THE US CLOUD ACT +++

In a letter to the European Parliament, the EDPB argues that a new international agreement between the EU and the US on data transfers is necessary in the light of the US Cloud Act in order to meet the requirements of the GDPR. Without such an agreement, the transfer of personal data would only be possible within very narrow limits.

The detailed opinion can be found [here](#).

+++ GUIDELINES OF THE EUROPEAN SUPERVISORY AUTHORITIES ON VIDEO SURVEILLANCE +++

The EDPB has also recently dealt with the requirements of the GDPR for video surveillance and published guidelines on the creation and use of video recordings in compliance with data protection requirements.

The guidelines of the EDPB are available [here](#).

+++ ONE YEAR GDPR – EU COMMISSION REVIEWS FIRST RESULTS AND PROVIDES OUTLOOK FOR THE FUTURE +++

The European Commission has published a first report on the repercussions of the GDPR. Accordingly, most member states have created appropriate framework conditions for the implementation of the GDPR and companies have improved their processes in terms of data protection law. The next steps that the Commission intends to take include the establishment of greater cooperation between European supervisory authorities and the development of further model documents for use in practice.

The Commission has provided the report [here](#).

If you have any questions, please address the BEITEN BURKHARDT lawyer of your choice or contact the BEITEN BURKHARDT Privacy Team directly:

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