



Privacy Desk

Data Protection and Privacy Newsletter

www.privacydesk.in

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Enforcement updates



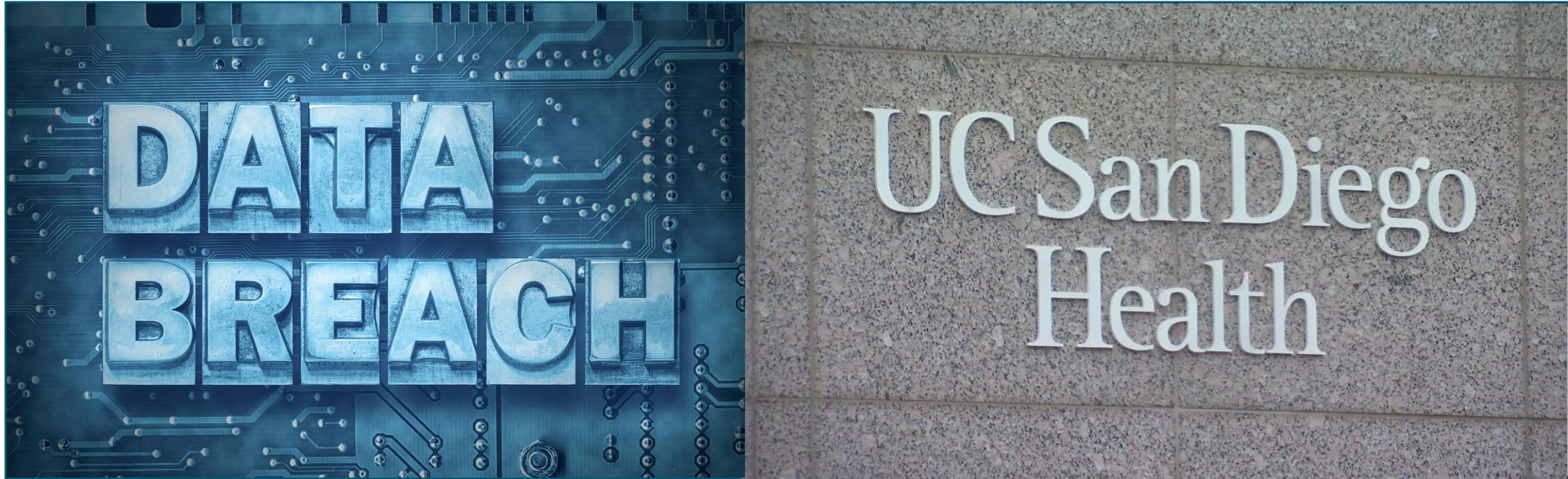
ICO and FTC announce decisions against companies for unsolicited messages and calls

UK's Information Commissioner's Office (ICO) recently published their decision announcing fines on four well-known companies, for sending up to 354 million nuisance messages. The companies 'We Buy Any Car' was fined for GBP 200,000 ; 'Saga Services Ltd' and 'Saga Personal Finance' were fined GBP 150,000 and GBP 75,000 and 'Sports Direct' has been fined GBP 70,000. These companies were not permitted to send any marketing messages to customers without their consent and were thus held in violation of the Privacy and Electronic Communications Regulations 2003. The Federal Trade Commission (FTC) has released its proposed settlement order of the complaints against Grand Bahama Cruise Line LLC for making millions of illegal calls to consumers nationwide, pitching free cruise vacations between Florida and the Bahamas. The controllers of the operation have been ordered to pay USD 50,000 civil penalty to the U.S. Treasury each. The other defendants of the complaints have been banned from engaging in, or assisting others in engaging in, making robocalls to consumers.



Hamburg watchdog announces fine on energy company

The Hamburg Commissioner for Data Protection and Freedom of Information ('HmbBfDI') imposed a fine of EUR 901,389 on Vattenfall Europe Sales GmbH for violating the transparency obligations covered under GDPR. The company failed to inform its customers about them conducting an internal data comparison relating to contract inquiries for special contracts which were associated with special bonus payments. A total of 500,000 customers were affected due to such data comparison. Upon displaying extensive cooperation and stopping the non-transparent data comparison immediately, the HmbBfDI reduced their fine significantly, imposing a total fine of EUR 901,389.



Health system faces lawsuit over data breach

UC San Diego Health faced a data breach spanning from December 2020 to April 2021 which had exposed sensitive information of almost 500,000 individuals. The health system posted an announcement on its website in July informing patients that hackers had conducted a phishing attack on their system. Patients have approached the court, seeking the status of a class action lawsuit, alleging that UC San Diego Health failed to implement adequate security practices and train employees on how to prevent phishing attacks. The suit claims that such data breach is a violation of the health care system's responsibility to comply with the privacy and security rules related to the Health Insurance Portability and Accountability Act.



Double Trouble for TikTok in Ireland

Ireland's Data Protection Commission (DPC) has launched a formal investigation against TikTok alleging their noncompliance in regard to their GDPR's data protection by design and default requirements. DPC has thus inquired into TikTok's transparency obligations for processing of personal data of children (users under age 18). DPC also launched another inquiry into TikTok's GDPR compliance requirements for transfers of personal data to China and other third countries alleging their noncompliance.

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Guidance updates



- **The French watchdog, CNIL, released a template for organisations to assess their level of maturity to improve their data protection management.**
- **The Liechtensteiner Data protection authority has released a guidance note on profiling and automated decision-making.**
- **USA's FTC releases guidance on its 'Health Breach Notification Rule' for Health Apps and Connected Devices Companies.**
- **Macau's Office for Personal Data Protection urges for compliance with the Personal Information Protection Law of the People's Republic of China.**

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Regulatory updates



- **The California Senate Bill 41 on practices for genetic testing of companies' data presented to the government.**
- **Quebec adopts Bill No. 64, to modernize provisions of the protection of personal information.**
- **The Parliament of the Republic of Tajikistan has published the Draft Information Code of the Republic of Tajikistan.**
- **Saudi Arabia's new Personal Data Protection Law published.**

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EU updates



- **European Data Protection Board (EDPB) establishes taskforce in response to complaints against cookie banners.**
- **EDPB releases opinion the draft adequacy decision for the Republic of Korea adopted by European Commission.**
- **European Data Protection Supervisor issues opinion on the proposed anti-money laundering legislative package by the Commission.**

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US updates



- **US Senate urges FTC to protect consumer data privacy. Calls for new rules.**
- **Office of Foreign Assets Control of the US Treasury released an updated advisory on the risks associated with facilitating ransomware payments.**
- **California Privacy Protection Agency Board seeks public comments on proposed rulemaking under the California Privacy Rights Act of 2020, till 8 November 2021.**
- **The U.S. Congressional Research Service releases report on EU-US Privacy Shield and transatlantic data flows.**

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India updates



- **WhatsApp to encrypt chat backups to protect user's sensitive data. Reports Facebook.**



**Public Works Department of
Tamil Nadu**

- **Tamil Nadu Public Department hit by ransomware attack for the second time this year. 1,950 USD in cryptocurrency demanded. Reports The Hindu.**



- **India's PDPB may see over 100 changes as introduced by the new chairperson and BJP MP PP Chaudhary. Changes may lead social media companies in losing their safe harbour status. Reports Hindustan Times.**

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International updates

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

- Council of Europe along with seven major organisations Launches online portal promoting global cooperation on Artificial intelligence.

- The Basel Committee on Banking Supervision urges banks to strengthen cybersecurity.

- The Payment Card Industry Security Standards Council issued best practices guidelines to for the appropriate use of remote assessments.



BANK FOR
INTERNATIONAL
SETTLEMENTS



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News around the globe



- **UK Government Department for Digital, Culture, Media & Sport launches consultation on reforms to the data privacy regime. Open for comments till 19 November 2021.**
- **Google to auto reset sensitive data permissions given to apps not used in months.**
- **UK launches investigation into a data breach of information from the Afghan Relocations Assistance Policy team, which included details of Afghan interpreters working with the British. Reports Politico.**

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