

Privacy & Data Protection

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Headlines

- Facebook fined \$5 billion, critics say it's a 'early Christmas present', p.18;
- Commission weighs in on Artificial Intelligence as debate continues in UK, p.19
- The first GDPR fines in Romania, p.20

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UK's first GDPR fines surprise many

Earlier this month and on consecutive days, the UK Information Commissioner's Office issued notices of its intent to fine airline, British Airways, and hotel chain, Marriott International, for infringements of the GDPR. If issued, the fines would be the first by the ICO under the new Regulation.

The proposed fine of £183.39 million to BA would be the biggest penalty ever issued by the ICO, and the equivalent of 1.5% of BA's global turnover.

The penalty relates to the theft of customers'

payment card information between June 2018 and September 2018 from the website ba.com and the airline's mobile app.

The airline initially said around 380,000 payment cards had been compromised. However, it emerged that the personal information of 500,000 customers had been harvested by hackers.

The ICO said its extensive investigation found inadequate security arrangements at the company, including log in, payment card, and travel booking details, as well as name and address information.

Alex Cruz, Chairman of BA, said the airline was "surprised and disappointed" by the initial finding, saying "British Airways responded quickly to a criminal act to steal customers' data. We have found no evidence of fraud/fraudulent activity on accounts linked to the theft. We apologise to our customers for any inconvenience this event caused."

Willie Walsh, Chief Executive of BA's owner International Airlines Group, said the airline would "defend the airline's

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The CJEU's hearing on Schrems II signals potential chaos ahead

In a mammoth eight-hour session, the Court of Justice of the EU has heard the arguments in so-called 'Schrems II', the case concerning questions surrounding the validity of Standard Contractual Clauses as a means of safe international data transfer.

The hearing is the culmination of a dispute lasting more than five years.

The Court heard arguments from the Irish Data Protection Commissioner, Facebook, the Electronic Privacy Information Center, Digital-Europe, the Business Software Alliance, the European Commission, the European Data Protection Board, the US government as well as several EU countries and representatives of Max Schrems himself.

In simple terms, the CJEU is answering the question of whether US law on access of national security agencies to the personal data of non nationals, contained in the Foreign Intelligence Service Act, breaks European data protection laws and if so whether that invalidates currently legal data transfer mechanisms.

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