

# Privacy & Data Protection

Volume 15, Issue 8

September 2015

## Headlines

- Russian regulator gives its interpretation of new law, p.17
- Ashley Madison hackers continue to dump data, p.18
- UK regulator updates guidance on section 29 DPA, as High Court gives important decision, p.19

## Contents

<i>Expert comment</i>	2
<i>Connected cars: an approach to dealing with the privacy risks</i>	3
<i>New Working Party Opinion on drones — a flight plan for data controllers?</i>	6
<i>Data retention by telcos and ISPs — what now?</i>	9
<i>Practitioner Certificate in Data Protection — Exam Results</i>	12
<i>Changes to Russian data protection law</i>	14
<i>News &amp; Views</i>	17

## ‘Don’t weaken purpose limitation’, say German regulators

Germany’s Data Protection Commissioners have made a joint declaration that the principle of purpose limitation must not be weakened in the new Regulation.

The German DPAs issued a press release stating their opposition to the proposals made by the EU Council on purpose limitation, saying that in their current form they breach the European Charter of Human Rights.

According to the controversial proposals, any further processing carried out by a data controller for incompatible purposes will be lawful if done on

grounds of legitimate interests of that controller or a third party.

In addition to their objection to those proposals, the German regulators said that data minimisation must be one of the leading principles in the reform, called for mandatory Data Protection Officers both for private and public sectors, and greater limitations on profiling.

The European Data Protection Supervisor, Giovanni Buttarelli, has publically agreed with the German regulators’ stance on purpose limitation, saying: “This is one point where we think

there is no space for reducing existing safeguards.”

The EDPS recently launched an app that allows users to compare the texts proposed by the European Commission, the European Parliament and the Council of national ministers, as well as the EDPS’ own suggestions.

Since its launch, more than 700 users have downloaded the app, with most of those coming from Germany, Belgium and the United Kingdom.

Interested parties from the United States have

[\(Continued on page 17\)](#)

## US gives FTC go ahead to monitor cyber security data breach

The US Court of Appeals for the Third Circuit has confirmed that the Federal Trade Commission has the authority to regulate companies’ data security practices.

The Appeals Court was giving its opinion in *Federal Trade Commission v. Wyndham Worldwide Corporation*.

Wyndham had challenged the FTC’s authority to

bring a 2012 suit against it. The suit alleged that the company’s failure to maintain a reasonable level of security contributed to three separate data breaches involving hackers accessing sensitive consumer data.

Wyndham argued that by adopting targeted security legislation such as the Gramm-Leach-Bliley Act and the Health Insurance Portability and Accounta-

bility Act of 1996, Congress had precluded the FTC’s jurisdiction over data security.

The Corporation also argued that before bringing a Section 5 enforcement action (under the FTC Act), the FTC must publish ‘rules, regulations, or other guidelines’ setting out the acceptable security standards.

[\(Continued on page 17\)](#)