

# Privacy & Data Protection

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## Headlines

- New Opinion on data protection and law enforcement, p.17
- Organisations may be sued for privacy breaches directly in Germany, p.18
- Sweeping changes to privacy law in Australia, p.20

## Contents

Expert comment	2
<i>Apps and privacy Part 2: playing a part</i>	3
<i>Data Protection Authorities versus Google — latest developments and practical implications</i>	7
<i>Practitioner Certificate in Data Protection Examination Results</i>	10
<i>Reporting data breaches to the ICO — is honesty really the best policy?</i>	12
<i>Care.data — why should we care?</i>	14
News & Views	17

## EU DPAs and APEC team up to produce checklist on data transfers

The EU Data Protection Authorities and the Asia-Pacific Economic Cooperation ('APEC') economies have issued a checklist on the requirements that organisations need to consider when applying for authorisation of Binding corporate Rules ('BCRs') and/or certification of APEC's Cross-border Privacy Rules ('CBPRs').

The Article 29 Working Party and APEC members, which comprise 21 countries including Australia, China, Japan, Singapore and the US, announced last year that they were seeking to develop new 'tools'

to make it easier for businesses to transfer personal data overseas.

According to the CNIL, the French privacy regulator, the new guidance does just that, representing a 'practical tool for multinational organisations'.

The document, which has 'informal' status, is not aimed at having organisations achieve mutual recognition of both systems. However, it could serve as a basis for 'double certification'.

Data protection policies of applicant international companies operating both

in the EU and the APEC areas have to be approved respectively by the relevant bodies in the EU Member States and in the APEC economies, in accordance with the applicable approval procedures.

The document was endorsed by APEC Senior Officials at their meeting of 27th and 28th February 2014, and the EU Data Protection Working Party adopted an opinion/working document on 26th February 2014.

A copy of the document is available at:

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

## New plans for UK patient data shelved following privacy backlash

NHS England has announced that the roll out of care.data, the new scheme for UK patient data, has been delayed until Autumn 2014 in order to allow more time for patients to be informed about the changes before information starts being extracted.

According to the new scheme, which was first announced last year, patients' local health

records (held by GPs) will be shared with a public body called the Health and Social Care Information Centre, unless patients specifically opt out.

The data to be extracted from GP systems include family histories, vaccinations, referrals for treatment, diagnoses and information about prescriptions.

Public information leaflets were supposed to be sent to all households in England in February. However, a survey found that two thirds of the public did not recall receiving a leaflet from NHS England explaining the new system.

Following days of crisis talks, officials agreed to shelve the plans for six

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