

Privacy & Data Protection

Volume 14, Issue 2

December 2013

Headlines

- Germany appoints a new Federal Commissioner, p.17
- Tim Berners-Lee leads call for more transparency over mass surveillance, p.18
- Pay day loans company fined £175,000 over millions of spam texts, p.19

Contents

<i>Expert comment</i>	2
<i>The right to be forgotten — the debate continues</i>	3
<i>Looking outside the Prism: how safe are data transfers?</i>	6
<i>DPOs — top ten tips for making better appointments</i>	9
<i>The 'Internet of Things' — already in a home near you?</i>	11
<i>Data protection in Gibraltar</i>	14
<i>News & Views</i>	17

Reform stunted as key advisor casts doubt over one stop shop

The EU Data Protection Regulation has suffered a setback after justice ministers at a recent meeting failed to agree on a key element of the new rules; 'one stop shop' regulation.

According to the principle, the data protection authority of the country in which a business has its primary European operation will provide decisions that will be binding on all other data protection authorities through the European Union.

"The problem is the results you get in terms of respecting the functioning

of justice and people's rights is actually a very bad outcome, a very bad result and as your legal adviser I have to tell you it's a bad outcome," said Legal Advisor to the European Council, Hubert Legal, during the meeting.

EU Commissioner for Justice, Viviane Reding, described the meeting as a disappointing day for data privacy.

Mrs Reding accused the Council of 'going round and round in circles' by returning to issues that she insisted had been deeply scrutinised over many months since her draft bill was first tabled.

She vehemently disagreed with Legal Advisor and said that the one-stop shop measure fully complied with EU citizens' fundamental human rights.

Deputy Commissioner at the UK's ICO, David Smith, commented: "Unfortunately the negotiations do not look imminent. The next stage is for the Council to adopt its own position. Here, we can only echo the Article 29 Working Party's recent call for a swift adoption of the data protection package in the Council. While the start of the Greek

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

UK regulator debates its future as funding crunch gets closer

The UK regulator is likely to restructure itself following the introduction of the Data Protection Regulation, and may follow up fewer individual data privacy complaints as it faces a 'funding crunch' while resources are 'stretched to the maximum'.

The changes are being floated in a newly released consultation document.

In the document, the ICO identifies three challenges: that the business of the Office is growing ('we're busier than ever'), that it is facing a funding crunch just as resources are stretched, and the profound change happening within the regulatory landscape.

The ICO says "we're not just waiting to be told what to do.

"The ICO cannot simply mark time and wait for every uncertainty to fall away, nor should we behave reactively to each new development. We need to be prepared for a future that will be different and ever changing, and, for that reason, we need to become more agile.

"We need to maintain a strategic approach and be

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