

Digital Content Next

Legal and Legislative Committee
February 16, 2015

Dial-in: 866.740.1260
Code: 4731000

Agenda

- Review of EU General Data Protection Regulations
- Update on NTIA Effort on Unmanned Aircraft Systems (aka Drones)

The EU General Data Protection Regulation (GDPR)

For DCN, February 16, 2016

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Why care?

- Biggest update to EU privacy law in two decades
- Major impact on how businesses collect, store, transfer and use data
- Binds all 28 EU member states and harmonizes data protection rules
- Centralizes enforcement
- Toughens data breach disclosure: 72 hours from discovery
- Potential fines skyrocket: up to 4% of a company's *global* revenue
- Takes effect in 2018 (and still being finalized): much to do to be ready

GDPR expands coverage

- Applies to any controller or processor of EU citizen data
- Applies to most businesses selling to or monitoring EU citizens
- Includes online activities of non-EU companies
- Reaches more 3rd party technology providers
- Major impact on the cloud industry
- Expands personal data definition, e.g., adds genetic and biometric
- Many companies will now have to appoint a data protection officer

GDPR expands and clarifies citizen rights

- Toughens the requirements for "consent", e.g:
 - freely given, specific and informed
 - must be reflected by a "clear affirmative act by the data subject"
 - can't ask consumers to agree to unfair contract terms for consent
 - can't be conditional on processing not necessary for the contract
 - generally raises minimum age of consent from 13 to 16
- Codifies "right to be forgotten"
- Provides citizens a right to see and transfer personal data easily from one service or product to another..."right to data portability"

NTIA Multi-Stakeholder Effort on UAS

- Next meeting: February 24
- NTIA has circulated a [combined draft](#) of proposals spearheaded by Hogan Lovells and CDT
- Key to digital publishers: addition of a preamble to any self-regulating framework that confirms 1st Amendment protections