



DATA PRIVACY: MONTHLY HIGHLIGHTS

| DON HARRIS

European Commission Updates Model Contract for Processors.

The European Commission has issued new standard contractual clauses that must be used going forward when companies decide to use model contracts as the legal basis for data transfers to data processors located outside the European Union. The revisions place new obligations upon such data processors, including the requirement that they obtain the written permission of the data exporter prior to subcontracting any processing of the data. They are also intended to ensure that the sub-processor is placed under the same legal obligations as the processor. The new model contract, while introducing some clarity in an area where there was little, does not go as far as advocated by industry groups such as the ICC.

166 Laptops Searched Each Month at U.S. Borders

According to a report in *Privacy Journal*, Customs and Border Protection agents carried out warrantless searches of than 1,500 laptops and other electronic devices at U.S. borders during the nine months prior to June 2009. In addition, they forwarded electronic files taken from travelers nearly 300 times. The statistics were revealed through an FOI lawsuit filed against the U.S. Department of Homeland Security by the ACLU.

Firms Worry about Social Networks, but Don't Block Access.

Ars Technica reports that despite widespread paranoia that social networks are putting businesses at risk, companies continue to give employees open access to them. The latest Security Threat Report from security research firm Sophos finds a 70% increase in

spam and malware attacks via popular networks in 2009, with 72% of businesses reporting that they're concerned about employee behavior on social networks from a security point of view.

Google Street View under Fire in Germany.

Google's plans to launch its Street View mapping feature in Germany by the end of 2010 came under fire from a new quarter in February. Rather than data protection authorities, this time it was the German Consumer Minister Ilse Aigner, who called Street View a "million-fold violation of the private sphere." Aigner was reported to be exploring legal avenues to require Google to obtain consent for all the raw images it collects for Street View. She urged individuals to object to publication of pictures of their homes on the Internet, which apparently many did. Street View has also met opposition in Switzerland and Greece.

New Zealand Law Commission Criticizes Surveillance of Employees.

A review by the New Zealand Law Commission of the country's privacy laws says legislation should be enacted making it illegal to install tracking devices on cell phones or vehicles, or to use visual surveillance devices, without consent. Currently such surveillance, including where employees are involved, can be carried on without consent. The government has not yet indicated whether it will accept the recommendations of the Commission. 🌐

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