

# PRIVACY & INFORMATION SECURITY LAW BLOG

Global Privacy and Cybersecurity Law Updates and Analysis



## December 2016

This Client Alert is a monthly update on privacy and cybersecurity developments as posted on Hunton & Williams' [Privacy and Information Security Law Blog](#). If you would like to receive email alerts when new posts are published, please visit our [blog](#) and enter your email address in the subscribe field.

Recent posts on the Privacy and Information Security Law blog include:

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### SEC Charges Chinese Traders with Trading on Information Stolen from Law Firms December 30, 2016

On December 27, 2016, the Securities and Exchange Commission ("SEC") [announced](#) charges against three Chinese traders who allegedly made almost \$3 million in illegal profits by fraudulently trading on nonpublic information that had been hacked from two New York-based law firms. This is the first action in which the SEC has brought charges in connection with an incident involving hacking into a law firm's computer network. [Continue Reading...](#)

### FTC Announces Settlement Regarding Targeted Digital Advertising December 22, 2016

On December 20, 2016, the FTC announced that it has agreed to [settle charges](#) that Turn Inc. ("Turn"), a company that enables commercial brands and ad agencies to target digital advertising to consumers, tracked consumers online even after consumers took steps to opt out of tracking. [Continue Reading...](#)

### CIPL Issues White Paper on High Risk and DPIAs under the GDPR December 22, 2016

On December 21, 2016, the Centre for Information Policy Leadership ("CIPL") at Hunton & Williams LLP issued a white paper on [Risk, High Risk, Risk Assessments and Data Protection Impact Assessments under the GDPR](#) (the "White Paper"). The White Paper sets forth guidance and recommendations concerning the interpretation and implementation of the EU General Data Protection Regulation's ("GDPR's") provisions relating to risk and risk assessment, which will become applicable on May 25,

2018. While risk assessments already are required under the EU Data Protection Directive, the GDPR broadens the relevance of risk and risk assessment by explicitly and comprehensively incorporating a risk-based approach to data protection. [Continue Reading...](#)

### **CJEU Challenges Legality of UK Interceptions Laws December 21, 2016**

On December 21, 2016, a judgment by the Court of Justice for the European Union (the “CJEU”) that clarifies EU surveillance laws has called into question the legality of the UK’s Investigatory Powers Act 2016. The decision in [Case C-698/15](#) could have significant implications on the UK’s chances of securing “adequacy” status for its data protection regime post-Brexit. [Continue Reading...](#)

### **China Publishes Regulations Regarding Cloud Services for Public Comment December 21, 2016**

Recently, the Ministry of Industry and Information Technology of the People’s Republic of China published a draft of the new Notice on Regulating Business Behaviors in the Cloud Service Market (Draft for Public Comments) (the “Draft”) for public comment. The Draft is open for comment until December 24, 2016. [Continue Reading...](#)

### **FTC Settles with Operators of AshleyMadison.com Over Security and Privacy Practices December 16, 2016**

On December 14, 2016, the FTC [announced](#) that the operating companies of the AshleyMadison.com website (collectively, the “Operators”) have settled with the FTC and a coalition of state regulators over charges that the Operators deceived consumers and failed to protect users’ personal information. The FTC worked with a coalition of 13 states, the Office of the Privacy Commissioner of Canada and the Office of the Australian Information Commissioner to resolve this matter, which was initiated in the wake of the website’s July 2015 data breach. [Continue Reading...](#)

### **Article 29 Working Party Releases GDPR Implementation Guidance and Announces Privacy Shield Developments December 16, 2016**

On December 15, 2016, the Article 29 Working Party (“Working Party”) issued a [press release](#) announcing its December 13, 2016, adoption and release of three sets of guidelines and FAQs on key implementation issues under the EU General Data Protection Regulation (“GDPR”). [Continue Reading...](#)

### **Hunton Privacy Team Publishes Several Chapters in “Getting the Deal Through” December 15, 2016**

The Privacy team at Hunton & Williams has authored several chapters of the recently published 2017 guide to data protection and privacy for [Getting the Deal Through](#). The publication covers data privacy and data protection laws in 26 jurisdictions across the globe. [Wim Nauwelaerts](#), Privacy team partner in the firm’s Brussels office, served as the contributing editor of the guide and co-authored the Belgium chapter and the EU overview. [Continue Reading...](#)

### **European Commission Plans to Upgrade e-Privacy Directive to a Regulation December 13, 2016**

On December 12, 2016, *Politico* reported that the European Commission intends to replace the e-Privacy Directive with a Regulation. The planned shift from a Directive to a Regulation has important legal consequences under EU law, as it means that instead of creating a floor upon which EU Member States may base the creation of their own versions of the law, a Regulation will create a harmonized set of requirements at the EU level that are directly applicable in the Member States. [Continue Reading...](#)

### **Privacy Blog Ranked as One of Best Legal Blogs December 8, 2016**

Hunton & Williams LLP is proud to announce our Privacy & Information Security Law Blog has been named the top Cybersecurity and Information Privacy blog by The Expert Institute and #2 overall Best AmLaw Blog of 2016. All of our lawyers and contributors thank you for your support in making the blog a success. [Continue Reading...](#)

### **Privacy and Cybersecurity Law Deskbook Second Edition Released December 7, 2016**

On December 6, 2016, Hunton & Williams [announced](#) the release of the second edition treatise [Privacy and Cybersecurity Law Deskbook](#) (Wolters Kluwer Legal & Regulatory U.S.) by lead author [Lisa J. Sotto](#), head of the firm's Global Privacy and Cybersecurity practice. The Deskbook has become an essential tool for those involved in managing privacy and cybersecurity law issues. "The treatise provides a roadmap to comply with global data protection laws, navigate and comply with state breach notification requirements, and stay informed on emerging legal trends," said Sotto. Members of the global practice group also contributed to the Deskbook. [Continue Reading...](#)

### **CIPL Issues White Paper on the GDPR's One-Stop-Shop December 6, 2016**

On November 30, 2016, the Centre for Information Policy Leadership ("CIPL") at Hunton & Williams LLP issued a white paper on [The One-Stop-Shop and the Lead DPA as Co-operation Mechanisms in the GDPR](#) (the "White Paper"). The White Paper sets forth guidance and recommendations concerning the interpretation and implementation of the GDPR's provisions relating to the One-Stop-Shop ("OSS") and lead DPA, which will become effective on May 25, 2018. [Continue Reading...](#)

### **Commission on Enhancing National Cybersecurity Issues Recommendations December 5, 2016**

On December 1, 2016, the nonpartisan Commission on Enhancing Cybersecurity (the "Commission"), established in February 2016 by President Obama as part of a \$19 billion [Cybersecurity National Action Plan](#), issued its [Report on Securing and Growing the Digital Economy](#) (the "Report"), which includes recommended actions that the government and private sector can take over the next 10 years to improve cybersecurity. [Continue Reading...](#)

### **FTC Releases Summary of Workshop on Privacy Disclosures December 5, 2016**

On November 30, 2016, the FTC released a [staff summary](#) (the "Summary") of a public workshop called [Putting Disclosures to the Test](#). The workshop, which was held on September 15, 2016, examined ways

of testing and evaluating company disclosures regarding advertising claims and privacy practices. The Summary reviews the workshop and its key takeaways. [Continue Reading...](#)

### **Home Depot Prevails in Shareholder Derivative Lawsuit Over 2014 Data Breach December 5, 2016**

Recently, the U.S. District Court for the Northern District of Georgia dismissed a shareholder derivative lawsuit against Home Depot Inc. (“Home Depot”) arising over claims that Home Depot’s directors and officers (the “Defendants”) acted in bad faith and violated their duties of care and loyalty by disregarding their oversight duties in connection with a 2014 data breach. The case is *In re Home Depot Inc. S’holder Derivative Litig.*, N.D. Ga., No. 1:15-CV-2999-TWT. [Continue Reading...](#)



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