
PRIVACY TICKER



1. Legislation

+++ DRAFT OF NEW REGULATIONS FOR THE IMPLEMENTATION OF THE CALIFORNIAN CONSUMER PRIVACY ACT (CCPA) +++

The competent authority, the Californian Attorney General, has revised the previous draft for its regulations on the Californian Consumer Privacy Act (CCPA) which specify the law for the companies concerned. The amendments concern, inter alia, the scope of the information obligations and rights of data subjects, the processing of user data to improve services provided to the user and the design of the do-not-sell button with which data subjects may object to the sale or other transfer of their data for monetary consideration.

The authority's new draft, also highlighting the changes, is available for consultation [here](#).

2. Regulatory Investigations and Enforcement Actions

+++ DANISH SUPERVISORY AUTHORITY CONSIDERS COMMON COOKIE BANNER DESIGN TO BE INSUFFICIENT FOR OBTAINING CONSENT +++

The Danish supervisory authority has objected to the design of a cookie banner on a website which was used to ask users for their consent to Google Analytics and other services. Major reason for the complaint was that in the cookie banner an option to select the individual purposes and services was only displayed after the user additionally clicked on a "Details" button. Due to such additional click users could not give granular consent to individual purposes sufficiently easy. In addition, the authority deemed the site operator and Google to be joint controllers.

The authority's decision (in Danish) can be found [here](#).

+++ ITALIAN SUPERVISORY AUTHORITY IMPOSES MILLION-EURO FINE FOR ILLEGAL DIRECT MARKETING +++

The Italian supervisory authority has imposed a fine of EUR 27.8 million on a telecommunications provider for failures in handling customer data in connection with marketing activities. The authority has identified a number of violations, including promotional calls without the necessary consent of the data subject, failure to promptly comply with an explicit objection by customers to direct marketing, and obtaining consent from participants in sweepstakes to the use of their data for advertising which was not sufficiently transparent and therefore invalid.

The administrative decision (in Italian) is available [here](#).

3. Opinions

+++ PUBLIC CONSULTATION BY THE FEDERAL COMMISSIONER FOR DATA PROTECTION AND FREEDOM OF INFORMATION (BfDI) ON THE HANDLING OF ANONYMISATION +++

The Federal Data Protection Supervisory Authority, BfDI, has published a statement on the legality of anonymisation of data and calls for comments by the public until 9 March 2020. According to the authority's preliminary assessment, anonymisation is a separate processing operation which requires a legal basis in each specific case. Such legal basis should be determined on the basis of the circumstances of the individual case.

The position of the BfDI and information on how to submit comments can be found [here](#).

+++ ACTIVITY REPORT OF THE SUPERVISORY AUTHORITY OF BADEN-WUERTTEMBERG WITH DETAILS ON OBTAINING VALID CONSENT FOR SWEEPSTAKES +++

The data protection supervisory authority of Baden-Wuerttemberg has published its annual report on its activities for the year 2019. In this report, the authority also explains in detail requirements on how to obtain consent and how to design privacy notices in connection with sweepstakes.

The activity report is available for download [here](#).

+++ GUIDELINES OF THE EUROPEAN AUTHORITIES ON DATA PROTECTION RELATED TO CONNECTED VEHICLES +++

The European Data Protection Board EDPB has drawn up guidelines on data processing in the context of connected vehicles and mobility-related apps. The draft also deals with individual usage scenarios such as insurance contracts for connected vehicles, car rental and geolocation of cars. Comments on the draft can be submitted to the authority until 20 March 2020.

You will find the draft [here](#).

4. Upcoming Events

+++ BREAKFAST SEMINAR PRIVACY POLICY – IF THE AUTHORITY RINGS THE BELL AGAIN – WILL WE NOW BE FACING SANCTIONS UNDER THE GDPR? +++

The data protection authorities are being serious: in France, the supervisory authority imposes a fine of EUR 50 million on Google. The Berlin Commissioner for Data Protection and Freedom of Information has fined the real estate group Deutsche Wohnen a total of EUR 14.5 million. But it does not only affect the big players. The data protection authorities have also already fined small and medium-sized enterprises. Will 2020 be the year of official sanctions regarding data protection?

How does a company come into the focus of the supervisory authorities? Do the data protection authorities impose a fine for each infringement or are there other options to close a procedure? And how is a fine for a company calculated?

In our breakfast seminar we will present you the course of such an administrative procedure. We discuss possible fine scenarios with you, using specific examples and show you how you can avoid or at least reduce fines.

Further details and the opportunity to register can be found in the respective date entry below. We are looking forward to seeing you there!

DATE

[Berlin, 12 March 2020](#)

[Munich, 17 March 2020](#)

[Hamburg, 26 March 2020](#)

[Frankfurt am Main, 31 March 2020](#)

If you have any questions, please address the BEITEN BURKHARDT lawyer of your choice or contact the BEITEN BURKHARDT Privacy Team directly:

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