



PRIVACY TICKER

1. Legislation

+++ CLARIFICATION: TAX CONSULTANTS ARE NOT PROCESSORS +++

The German legislator has clarified in an amendment to the German Tax Consultant Act that a tax consultant is not a processor in regards to his professional activity and duties, but is himself controller in this context as defined by the GDPR, in particular including the preparation of payroll accounting.

You can consult the new version of the law [here](#).

+++ THE CALIFORNIA CONSUMER PRIVACY ACT IN FORCE +++

The California Consumer Privacy Act ("CCPA") came into force on 1 January 2020. It applies to companies that operate in California (possibly via online activities) and collect data on California residents, provided they exceed certain thresholds. Major provisions include, for example, a right of the user to object to the disclosure of his data to third parties for a consideration, requirements for the processing of data of users under 16 years of age and information obligations, each of which can be enforced with administrative fines.

The full text of the Act and further information can be found [here](#).

2. Regulatory investigations and enforcement actions

+++ FINES IMPOSED BY THE BELGIAN SUPERVISORY AUTHORITY FOR INCORRECT INFORMATION ON COOKIES AND CONSENT +++

The Belgian supervisory authority has imposed a fine of EUR 15,000 on a website operator because the website only contained an English privacy policy although the website was also targeted at French-speaking users. Furthermore, the information for users was insufficient with regard to the use of cookies (including, among other things, the purpose, the legal basis and the storage period of the cookies) and also the consent to cookies obtained from users has been considered too general and vague.

The decision of the supervisory authority (in Dutch) has been published [here](#).

+++ ITALIAN SUPERVISORY AUTHORITY IMPOSES A FINE OF MILLIONS FOR UNSOLICITED DIRECT MARKETING +++

In Italy the competent supervisory authority imposed a fine of EUR 8.5 million on an energy supplier for contacting persons for

advertising purposes without their consent and in some cases even despite their objections. With regard to the amount of the fine, the supervisory authority stated that the cases investigated, which involved approximately 7,200 people, showed fundamental, systematic shortcomings of the company.

You will find the authority's press release [here](#).

+++ ICO IMPOSES FINE FOR INADEQUATE SECURITY MEASURES AGAINST EXTERNAL ATTACKS +++

The British supervisory authority ICO has imposed a fine of GBP 400,000 on an electronics retailer for failing to take adequate measures to safeguard personal data resulting in third parties gaining unauthorised access to payment data. The company had failed to take basic, commonplace security measures (such as sufficient software patching and a local firewall). However, the fine was imposed based on the laws applicable prior to the GDPR entering into force and therefore corresponds to the maximum limit at that time.

Further information can be found in the ICO press release which can be downloaded [here](#).

3. Opinions

+++ BADEN-WUERTEMBERG SUPERVISORY AUTHORITY DISCONTINUES ACTIVITY ON TWITTER +++

The data protection supervisory authority of Baden-Wuerttemberg has announced that, following discussions with the operator of Twitter, it will cease its activities on the platform due to data protection concerns and delete its account by 31 January 2020.

The announcement of the supervisory authority is published in its Twitter account [here](#).

+++ CNIL PUBLISHES DRAFT RECOMMENDATIONS FOR CONSENT TO COOKIES +++

The French supervisory authority CNIL has drawn up recommendations for obtaining consent for cookies. In particular, the authority stresses that consent should not be obtained on a blanket basis and provides guidance on the appropriate level of detail for subdividing consent into consenting to individual cookies as well as consenting to the details that should be included in the consent text. Comments on the draft can be submitted to the authority until 25 February 2020.

The draft and the opportunity to comment on this draft are available [here](#).

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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