



PRIVACY TICKER

1. Case Law

+++ REGIONAL COURT OF MUNICH: GDPR-BASED ACCESS EXTENDS TO COPIES OF INTERNAL MEMOS +++

The Regional Court of Munich has ruled that a customer is entitled, pursuant to Art. 15 GDPR, to request a copy of any documents relating to him from the data controller, including internal notes on conversations and phone memos containing statements by or about the customer. The court notes, however, that case law is inconsistent regarding the extent of the right to access.

[To the court's judgement \(of 6 April 2020, file ref. 3 O 909/19\)](#)

2. Regulatory investigations and enforcement actions

+++ DPA HAMBURG PENALIZES NON-CONFIDENTIAL HANDLING OF CORONA GUEST RECORDS BY RESTAURANTS +++

The Hamburg data protection authority has initiated fine proceedings against restaurant owners who have failed to secure contact data of guests, which were recorded as part of mandatory prevention measures against the coronavirus from view by subsequent guests. The authority emphasises that the owners were already made aware of this misconduct during previous inspections, though they failed to eliminate this misconduct so far.

[To the press release of the DPA](#)

+++ FRENCH DPA IMPOSES FINE ON ONLINE RETAILER FOR SEVERAL VIOLATIONS +++

France's data processing authority CNIL has imposed a fine of EUR 250,000 on the operator of an online shop for shoes because of a variety of data protection violations. The operator has, inter alia, stored customers' credit card data without encrypting them, excessively recorded all phone calls of customers for staff training purposes and failed to put appropriate deletion periods into practice for data on over 25 million inactive EU customers. Due to the infringements being EU-wide, the CNIL has consulted with other EU supervisory authorities for the decision.

[To the press release of the CNIL \(in French\)](#)

3. Opinions

+++ GUIDANCE OF EUROPEAN SUPERVISORS ON DATA TRANSFER TO THE USA AS PER ECJ'S RULING +++

The European Data Protection Board (EDPB) has published FAQ on the consequences of the European Court of Justice's "Schrems II" decision concerning the invalidation of the Privacy Shield for data transfers to the USA. The authorities recommend that companies review their data processing and service providers regarding data transfers to the USA and migrate to another justification for any transfers currently based on the Privacy Shield, e.g. by concluding the Standard Contractual Clauses of the EU Commission (so-called "SCCs"). Otherwise, these data transfers could not continue. However, the Data Protection Conference (DSK), in which the German data protection authorities coordinate their actions, has issued a supplementary comment doubting that the SCCs are sufficient for data transfers to the USA and requesting additional, not specified measures to ensure an adequate level of data protection.

[To the guidance of the EDPB](#)

[To the comment of the German DPAs](#)

+++ GERMAN DPAS PROVIDE GUIDELINES FOR CCTV +++

The German DPAs have published practical information on the use of video surveillance by companies and private individuals in a data protection compliant manner. The guidelines outline the scope of allowed video surveillance, related obligations for information, documentation and security as well as specific applications, such as video surveillance at work and the use of dash-cams.

[To the guidelines of the German DPAs](#)

+++ ICO ISSUES CODE OF PRACTICE ON AGE APPROPRIATE DESIGN FOR ONLINE SERVICES +++

UK's data protection authority (ICO) has published the final version of its code of practice for service providers containing requirements with respect to a child appropriate design. The code concerns all digital services such as online platforms, apps, games and connected toys if they are likely to be accessed by children, and specifies data protection requirements for these services. The code will enter into force on 2 September 2020.

[To the ICO's code of practice](#)

+++ GUIDANCE OF ICO FOR DESIGNING AI SYSTEMS +++

UK's ICO has also compiled practical notes for data protection compliance and auditing of AI systems. In these notes, the authority specifies the basic principles stipulated by the GDPR, in particular on the transparency and security of the AI system and on ensuring the rights of the data subjects under the GDPR.

[To the guidance of the ICO](#)

+++ PRACTICAL GUIDES OF CNIL FOR MEDICAL PRACTICES ON THE PROCESSING OF HEALTH DATA AND RETENTION PERIODS +++

The CNIL, the French data protection authority, has published guides for medical and paramedical practitioners concerning the handling of patients' health data in compliance with data protection law, in particular regarding technical measures and permissible transfer of data. The authority has also compiled overviews of the applicable retention and deletion periods for health-related data in the health sector in general and specifically for research in this field.

[To the overview of the practical guides \(in French\)](#)

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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