

# Privacy Regulations: Updates & Trends

## GDPR Enforcement

Basic technical and organisational security measures remain key to avoiding or mitigating enforcement.



- Germany: has issued fines for 75 data breach cases; the largest was 80K€ for releasing sensitive health data.
- France: An administrative court reduced a fine from €250k to €200k because the company quickly took steps to remedy the breach.
- Italy: issued its first fine for €50k to a data processor for its lack of security measures, especially the lack of log files for the activities of IT Support personnel.

## CCPA 2020

Companies should expect core provisions to become effective in July 2020 and should focus on compliance in the coming year.



- The CA attorney general is likely to issue draft regulations this fall for a formal notice and comment period based on 7 public forums.
- 12 bills are currently before the CA senate that will consider various alterations and carve outs.
- Despite proposed amendments, the core provisions of the CCPA are expected to remain intact and companies are expected to comply by 2020.

## State Law Trends

The CCPA has inspired proposed privacy laws in 16 states, which is driving calls for comprehensive federal legislation.



- Most states are following CCPA at least in part, Mississippi almost verbatim.
- However, Nevada just passed a law in May that differs substantially from the CCPA.
- Washington State is basing its law on the GDPR rather than CCPA.
- The complexity/ uncertainty is leading businesses to call on Congress for national legislation.

## The FTC's Evolving Role

The FTC is leaning into its Consumer Protection mission in the realm of advertising & data privacy and the GAO is calling for it to become the primary enforcing agency.



- The FTC initiated a "6(b)" study of tech companies' data practices citing lack of transparency.
- The FTC reached a settlement with SecurTest that falsely claimed it participated in Privacy Shield on its website.
- The Government Accountability Office (GAO) recommends that Congress enact federal internet privacy law and that the FTC be the enforcing agency.

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