

2019: The Year in Review

EU Cybersecurity and Data Privacy Developments

Welcome to Mayer Brown's first edition quick access guide for publicly available official materials relating to cybersecurity and data privacy developments in the EU.

GUIDELINES

Certification

- EDPB's Guidelines on certification and identifying certification criteria in accordance with Art. 42 and 43 GDPR
Access the guidelines [here](#).
- EDPB's Guidelines on the accreditation of certification bodies under Art. 43 GDPR
Access the guidelines [here](#).
- ENISA commences work on cybersecurity certification scheme for cloud services
Access the full story [here](#).
- International Organization for Standardization publishes first International Standard for Privacy Information Management: ISO/IEC 27701:2019
Access the standard [here](#).

Cookies

- EDPS inspection reveals that some website of the EU Institutions were relying on third-party tracking and using trackers for web analytics without user's prior consent
Access the full story [here](#).
- British Data Protection Authority's Guidance on cookies
Access the guidance [here](#).
- Dutch Data Protection Authority's Guidance on incompatibility of cookie walls with the GDPR
Access the guidance available in Dutch [here](#).
- French Data Protection Authority's Guidelines on cookies
Access the guidelines available in French [here](#).

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- German Association for Data Protection and Data Security's Recommendations for users of third-party website plugins
Access the recommendations available in German [here](#).
- Spanish Data Protection Authority's Guidelines on cookies
Access the guidelines available in Spanish [here](#).

Cybersecurity

- Council of EU's Conclusions on EU cooperation in countering hybrid threats
Access the conclusions [here](#).
- Council of EU's Conclusions on significance and security risks of 5G technology
Access the conclusions [here](#).
- Council of the EU's framework allowing the EU to impose targeted restrictive measures on persons or entities that are responsible for cyberattacks or attempted cyberattacks against the EU
Access the framework [here](#).
- ENISA and TeleTrust's Guidelines on the level of "state-of-the-art" in IT security
Access the guidelines [here](#).
- ENISA's Gap Analysis on Internet of Things security
Access the analysis [here](#).
- ENISA's Good Practices for cybersecurity in the maritime sector
Access the guidelines [here](#).
- ENISA's Good Practices for security in Internet of Things
Access the good practices [here](#).
- ENISA's Good Practices for security of smart cars
Access the good practices [here](#).
- ENISA's Guidance on European privacy standardization
Access the guidance [here](#).
- ENISA's National Cybersecurity Strategies Interactive Map
Access the map [here](#).
- ENISA's Paper on cybersecurity in industry 4.0
Access the paper [here](#).
- ENISA's Recommendations on EU-wide cybersecurity for electoral processes
Access the recommendations [here](#).
- ENISA's Report "Secure Group Communications for incident response and operational communities"
Access the report [here](#).
- ENISA's Report on behavioral aspects of cybersecurity
Access the report [here](#).
- ENISA's Report on ENISA's role in the EU Cybersecurity Certification Framework
Access the report [here](#).
- ENISA's Report on EU – Member States incident response development status
Access the report [here](#).
- ENISA's Report on reinforcing trust and security in the area of electronic communications and online services
Access the report [here](#).
- ENISA's Report on security and privacy considerations in autonomous agents
Access the report [here](#).

- ENISA's Threat Landscape of 5G networks
Access the landscape [here](#).
- ENISA's Report "Challenges and opportunities for EU cybersecurity start-ups"
Access the report [here](#).
- European Commission's proposed EU Cybersecurity Taxonomy
Access the proposal [here](#).
- EUROPOL's Recommendations on spear phishing attacks
Access the guidelines [here](#).
- Hungarian Central Bank's Recommendation on the usage of community and public cloud computing services in Hungary
Access the recommendation [here](#).
- UK Department for Digital & Media's Survey on cybersecurity breaches
Access the survey [here](#).

Data Breaches

- Dutch Data Protection Authority's Guidance
Access the guidance [here](#).
- Irish Data Protection Commission's Guidance
Access the guidance [here](#).
- Irish Data Protection Commissioner's Guidance
Access the guidance [here](#).
- Polish Data Protection Authority's Guidance
Access the guidance available in Polish [here](#).
- Spanish Data Protection Authority's Guidance
Access the guidance [here](#).

Data Protection Impact Assessment

- British Data Protection Authority's Guidance on the key considerations for organizations undertaking DPIAs for AI systems
Access the guidance [here](#).
- French Data Protection Authority's DPIA Whitelist
Access the list available in French [here](#).
- Spanish Data Protection Authority's DPIA Whitelist
Access the list [here](#).
- Spanish Data Protection Authority's Guidance on DPIA
Access the guidance available in Spanish [here](#).

Data Transfers

- British Data Protection Authority's Guidance for SMEs on data flows post-Brexit
Access the guidance [here](#).
- EDPB's Guidelines on derogations of Art. 49 GDPR
Access the guidelines [here](#).

Facial Recognition

- British Data Protection Authority's Opinion on the use of live facial recognition technology by law enforcement entities
Access the opinion [here](#).
- FRA's Paper on impact of facial recognition on fundamental rights
Access the paper [here](#).
- French Data Protection Authority's Paper on facial recognition
Access the paper available in French [here](#).
- French Data Protection Authority's position on experimentation of facial recognition in two high schools
Access the position available in French [here](#).

Fines

- Dutch Data Protection Authority's GDPR-fining structure
Access the structure available in Dutch [here](#).
- German Federal Data Privacy Conference's Guidance regarding fine calculation
Access the guidance available in German [here](#).

Legal Bases

- EDPB's Guidelines on the processing of personal data under Art. 6(1)(b) GDPR in the context of the provision of online services to data subjects
Access the guidelines [here](#).
- French Data Protection Authority's Guidance on legal bases
Access the guidance available in French [here](#).
- Irish Data Protection Authority's Guidance on legal bases for processing personal data
Access the full guidance [here](#).

Notions Of Controller & Processor

- Belgian Data Protection Authority's Guidance on the notions of controller and processor
Access the guidance in French [here](#) and in Dutch [here](#).
- EDPS's Guidelines on concepts of controller, processor and joint controllership under Regulation (EU) 2018/1725
Access the guidelines [here](#).

Privacy By Design And By Default

- ENISA's Recommendation on shaping technology according to GDPR provisions - Exploring the notion of data protection by default
Access the recommendation [here](#).
- Spanish Data Protection Authority's Guidance on privacy by design
Access the guidance available in Spanish [here](#).

Special Categories Of Data

- British Data Protection Authority's Guidelines on handling of special category data
Access the guidelines [here](#).
- Council of Europe's Recommendation on the protection of health-related data
Access the recommendation [here](#).

- French Data Protection Authority's Framework for the processing of personal data in health sector
Access the framework [here](#).
- French Data Protection Authority's Guidance on biometrics in the workplace
Access the guidance available in French [here](#).
- Spanish Data Protection Authority's Guide for patients and users of health
Access the guide available in Spanish [here](#).

Technological Solutions

- ENISA's Guidance on the best practices and techniques for pseudonymisation
Access the guidance [here](#).
- ENISA's Recommendation on shaping technology according to GDPR provisions - An overview on data pseudonymisation
Access the recommendation [here](#).
- German Federal Office for Information Security's Recommendations for secure configuration of Microsoft Office Products
Access the recommendations available in German [here](#).
- Spanish Data Protection Authority and EDPS' Joint Paper on hash techniques
Access the paper [here](#).

Other EDPB's Opinions & Statements

- EDPB's Art. 64 GDPR Opinion on accreditation requirements for British Data Protection Authority's codes of conduct monitoring bodies
Access the opinion [here](#).
- EDPB's Opinion concerning the questions and answers on the interplay between the Clinical Trials Regulation and the GDPR
Access the opinion [here](#).
- EDPB's Opinion on the Austrian Data Protection Authority draft accreditation requirements for a code of conduct monitoring body pursuant to Art. 41 GDPR
Access the opinion [here](#).
- EDPB's Opinion on the British Data Protection Authority's draft accreditation requirements for a code of conduct monitoring body pursuant to Art. 41 GDPR
Access the opinion [here](#).
- EDPB's Opinion on the competence of a supervisory authority in case of a change in circumstances relating to the main or single establishment
Access the opinion [here](#).
- EDPB's Opinion on the draft Administrative Arrangement for the transfer of personal data between EEA and non-EEA Financial Supervisory Authorities
Access the opinion [here](#).
- EDPB's Opinion on the draft Art. 28 GDPR Standard Contractual Clauses submitted by the Danish Data Protection Authority
Access the opinion [here](#).
- EDPB's Opinion on the draft decision of the Belgian Data Protection Authority regarding the binding corporate rules of ExxonMobil Corporation
Access the opinion [here](#).

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- EDPB's Opinion on the draft decision of the British Data Protection Authority regarding the binding corporate rules of Equinix Inc.
Access the opinion [here](#).
- EDPB's Opinion on the interplay between the ePrivacy Directive and the GDPR
Access the opinion [here](#).
- EDPB's Statement on ePrivacy Regulation
Access the statement [here](#).
- EDPB-EDPS Joint Opinion 1/2019 on the processing of patients' data and the role of the European Commission within the eHealth Digital Service Infrastructure
Access the opinion [here](#).

Other GDPR-Related Topics

- EDPB's first approved Model Data Processing Agreement under Art. 28 GDPR
Access the clauses [here](#).
- EDPB's Guidelines on codes of conduct and monitoring bodies under GDPR
Access the guidelines [here](#).
- EDPB's Guidelines on GDPR territorial scope
Access the guidelines [here](#).
- EDPS' Proportionality Guidelines
Access the guidelines [here](#).
- European Commission's Guidance on free flow of non-personal data
Access the guidance [here](#).
- French Data Protection Authority and CADA's Guide to online publication and reuse of open data
Access the guide available in French [here](#).
- French Data Protection Authority's Art. 30 GDPR Template
Access the template available in French [here](#).
- French Data Protection Authority's innovation and prospects Booklet
Access the booklet available in French [here](#).
- French Data Protection Authority's Recommendations on smart watches for children
Access the recommendations available in French [here](#).
- French Data Protection Authority's Report on shaping choices in the digital world
Access the report [here](#).
- German Data Protection Authority's Resolution on the interpretation of the term "certain areas of scientific research" in Art. 89 GPDR
Access the resolution available in German [here](#).
- Irish Data Protection Authority's Guidance for organizations engaging cloud service providers
Access the guidance [here](#).

CASELAW

EU Level

Pending Cases

- CJEU hears the case concerning the EU-US data transfers (Privacy Shield)
Access the case file [here](#).
- CJEU hears the case concerning the Standard Contractual Clauses (Schrems II)
Access the case file [here](#).
- German Federal Administrative Court refers questions to the CJEU on the interpretation of Art. 23(1)(e) and 23(1)(j) GDPR
Access the press release available in German [here](#).
- German Federal Administrative Court refers questions to the CJEU on internet and telecommunication provider's duty to store customers' telecommunication traffic data
Access the press release available in German [here](#).

Rendered Judgments

- CJEU rules on the host provider's obligation to remove illegal content
Access the judgment [here](#).
- CJEU rules on the status of a company placing the Facebook's "like" button on its website
Access the judgment [here](#).
- CJEU rules on the territorial scope of right to be forgotten
Access the judgment [here](#).
- CJEU rules on video surveillance used without the data subjects' consent
Access the judgment [here](#).
- CJEU rules on whether pre-ticked cookie consent boxes are valid consent
Access the judgment [here](#).
- CJEU rules on whether prohibitions or restrictions relating to the processing of special categories of personal data apply to the operator of a search engine
Access the judgment [here](#).

REPORTS & PAPERS

- AI Now's Report on Artificial Intelligence
Access the report [here](#).
- British Data Protection Authority's Report on AdTech and real time bidding
Access the report [here](#).
- Czech Security Information Service's Annual Report
Access the report [here](#).
- EDPS' Report on its operations between 2015-2019
Access the report [here](#).
- EDPS's Manifesto of Giovanni Buttarelli "Privacy 2030: A Vision For Europe"
Access the manifesto [here](#).
- EU Parliament's Study on relationship between Blockchain and GDPR
Access the study [here](#).
- European Commission's Report on Member States' identification of operators of essential services
Access the report [here](#).
- IAPP's White Paper on data structures
Access [here](#) to purchase the full paper (free for IAPP Members).
- Network Advertising Initiative's Guidelines for opt-in consent in apps
Access the guidelines [here](#).
- NIS Coordination Group's Report on the EU coordinated risk assessment of the cybersecurity of 5G networks
Access the report [here](#).

HANDY TOOLS

- British Data Protection Authority's SME data protection web hub
Access the hub [here](#).
- EDPS' Software "Website Evidence Collector"
Access the software [here](#).
- ENISA's Tool "Minimum Security Measures for Operators of Essentials Services"
Access the tool [here](#).
- ENISA's Tool mapping minimum security measures for Operators of Essential Services
Access the tool [here](#).
- ENISA's Tool "Mapping of Security Measures for Smartphone"
Access the tool [here](#).
- European Commission's privacy-enhancing Platform OPERANDO
Access the platform [here](#).
- French Data Protection Authority's "Best Practices Kit for Developers" Tool
Access the tool available in French [here](#).
- French Data Protection Authority's DPIA Software 2.0 to carry out data protection impact assessment
Access the software available in French [here](#).
- French Data Protection Authority's online training Tool on the GDPR
Access the tool available in French [here](#).

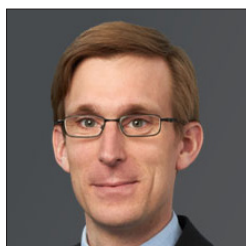
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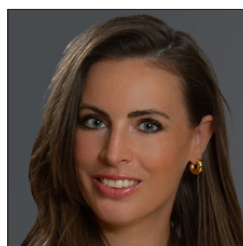
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