

# Security Legislation – *Around the World in 8 Minutes*

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# Security breaches

- Increasing incidences on both sides of Atlantic



# Security breaches

- Large scale awareness in Europe - little legislation
- Growing public pressure to prosecute



# Privacy – US Landscape

- Little set privacy law
- Data breach reporting law in place in at least 22 states
- Significant Federal activity
- SEC activity



# Privacy – European Landscape

- Law in place in 33 European jurisdictions
- Not confined to EU (25)



# UK Legislative background

*“Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.”*



# Austrian Legislative background

*"Measures to ensure data security shall be taken by all organisational units of a controller [Auftraggeber] or processor [Dienstleister] that use data. Depending on the kind of data used as well as the extent and purpose of the use and considering the state of technical possibilities and economic justifiability it shall be ensured that the data are protected against accidental or intentional destruction or loss, that they are properly used and are not accessible to unauthorised persons."*



# Italian Legislative background

*"personal data shall be processed and controlled, taking into account its nature, the specific features of the processing as well as the technological innovations in security measures and devices in such a way as to minimise the risk of destruction or loss of data, whether by accident or not, as well as of any unauthorized access to the data or processing operations that are either unlawful or inconsistent with the purposes for which the data have been collected. Where there is a particular risk of a breach of network security, the provider of a publicly available communications service must inform subscribers and, if possible, users concerning that risk and, when the risk lies outside the scope of the measures to be taken by the provider the provider must give details of possible additional measures including an indication of the likely costs involved."*





# Mandatory Reporting

- Norway
- Hungary
- Malta
- Sweden
- Germany



# Other reporting obligations

- Subject access request
- Financial regulators
- 'Voluntary disclosures'



# Conclusions



Any questions?

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