

PrivacyWatch

June 4, 2020

I hope this email finds you and yours safe and healthy. This update will be distributed on an intermittent basis to help inform BDO Digital clients about the ever-changing global privacy and data protection landscape.



CAYMAN ISLANDS

- **Data is the lifeblood of the Cayman Islands' digital economy.** Increased digitalisation and personalisation leveraging user data has made us more connected and convenient. The Cayman Islands Data Privacy Law mandates that businesses manage personal identifiable information (PII) in a certain way to ensure PII information is used as intended, is secure and only accessible to those individuals who should have access to it. During the COVID 19 pandemic, we have seen a significant increase in cyber-attacks (200 % plus increase compared to the same time, last year), as cybercriminals seek out 'soft' and/or vulnerable targets particularly as many business employees are forced to 'work from home.' Banking credentials, health information, driver licenses, credit cards, social media, social security, and other personal data can be bought and sold on the dark web. The prices per record range from 10-12 dollars for credit card information to \$1,000 plus for banking credentials. This makes technology companies, retailers, hospitals, health care providers, insurance companies, and financial institutions prime targets—no industry is immune. Please remember negligence and non-compliance could result in the Data Controller being liable for fines up to CI\$100,000 or imprisonment for a term of 5 years or both. Monetary penalty orders of an amount up to CI\$250,000 may also be issued against a Data Controller.



INTERNATIONAL PRIVACY

- **Arizona Attorney General Files Lawsuit Against Google for Deceptive Data Collection Practices:** The Arizona Attorney General ("AG") [announced](#), on May 27, 2020, that he had filed a lawsuit against Google, LLC ("Google") under the Arizona Consumer Fraud Act, and alleged that Google used "deceptive and unfair" practices to obtain users' location data for advertising purposes. The AG further alleges that Google collects data in a manner that makes it difficult for the user to comprehend its use and also makes it overly difficult to opt-out.

- ACLU Submits Complaint Against Clearview AI for Alleged Biometric Information Privacy Act Violations:** The American Civil Liberties Union (“ACLU”) [announced](#), on May 28, 2020, that it had submitted a complaint with the Circuit Court of Cook County in Illinois against Clearview AI, Inc (“Clearview AI”) for alleged violations of the Illinois Biometric Information Privacy Act of 2008 (“BIPA”). The ACLU alleges that Clearview AI uses facial recognition technology by collecting images available throughout the internet without the knowledge or consent of those pictured. **EU Data Protection Authorities Issue Statements on GDPR Anniversary:** Several European Data Protection Authorities (“DPAs”) issued statements on or around May 25, 2020, the second anniversary of the GDPR. Several of the statements included statistics regarding the number of complaints, subsequent investigations, and resulting enforcement. Local language statements are available at the following DPA sites: [Cyprus](#), [Hamburg](#), [Rhineland-Palatinate](#), [Brandenburg](#), [Greece](#) (direct .DOC download link), [Latvia](#), [Romania](#), [Guernsey](#), [Belgium](#), and [Lithuania](#).
- 13th Chinese National People’s Congress Adopts Civil Code Regarding Personal Data:** As of late May 2020, the third session of the 13th National People’s Congress in China adopted the Civil Code of the People’s Republic of China. The aforementioned Code, set to take effect on January 1, 2021, focuses on the improvement of personal data protection, including rules regarding data collection, use, disclosure, and processing.

COMMENTS OR QUESTIONS? CONTACT:

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This information has been collected through a number of sources including but not limited to BDO’s public research, research using BDO’s One Trust Data Guidance subscription, and the International Association of Privacy Professionals. Complimentary updates will be sent to our clients until July 1, 2020.



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