International Joint Statement of 24 August 2023 by ICO et al. on data scraping and the protection of privacy

Articles

Karishma Sundara / Nikhil Narendran — The Digital Personal Data Protection Act, 2023: analysing India’s dynamic approach to data protection

This article examines the provisions of the DPDPA from the lens of a comparative study measuring it along the way against the GDPR. After a brief introduction (I.), the article begins with (II.) unpacking the applicability and scope of the DPDPA: identifying what is included, what is excluded and what is exempt, before moving on to (III.) extrapolating the bases for processing personal data; (IV.) explaining the obligations that apply to personal data of special categories of data principals; (V.) discussing data sharing and cross-border data transfers; (VI.) outlining the obligations of data fiduciaries; and (VII.) the rights and duties of data principals; and finally turning to (IX.) enforcement of the DPDPA by taking a look at the Board (VIII.) as well as at penalties and voluntary undertakings (XI.). .......................................................... 129

Mathias Lejeune — AI Systems and their Output under U.S. Copyright Laws — An initial assessment of an evaluation in transit

Artificial Intelligence (AI) has recently received a lot of public awareness especially based on the program called ChatGPT. This article describes the problems which AI provides under the existing laws in the USA and in the EU especially in the context of Copyright Law. .......................... 141

John Beardwood — Cyber breaches in Critical Infrastructure: It’s not just about Personal Data Breaches Anymore (Part 2) — A comparison of the new security regime for critical infrastructures in Canada, USA and EU

This article is the second of two parts, comparing recent global legislative developments in three key jurisdictions regulating cyber breaches which occur in critical infrastructure, specifically: in Canada (Bill C-26), in the U.S. (the U.S. Cyber Incident Reporting for Critical Infrastructure Act of 2022 — “CIRCIA”), and in the EU (the Network Infrastructure Security Directive 2.0 (EU) 2022/2055 — “NIS2 Directive”). The first part (Beardwood, CRi 2023, 109-114) provided an overview of the legislative background and purpose of CCSPA, CIRCIA and the NIS2 Directive (I.); compared the scope of their application, based on systems and entities (II.) as well as their respective definitions of incidents (III.); and concluded with an comparative analysis of these foundational scope elements of the Critical Infrastructure cyber breach regime (IV.). This Part 2 continues the analysis and
compares the details of their reporting requirements, with a focus on report content, timing and exceptions (V.); contrasts the approaches to record keeping (VI.) and enforcement (VII.); compares their respective penalty regimes (VIII.); and finally concludes with a brief analysis of the challenges for any company facing a critical infrastructure cyber breach across all three jurisdictions (IX.).

Case Law

Norway: Ban for Facebook and Instagram of Processing Personal Data for Behavioral Marketing (District Court Oslo, decision of 6 September 2023 – 23-114365TVI-TOSL/08 [Ls.]; District Court Oslo, decision of 6 September 2023 – 23-114359TVI-TOSL/08 [Ls.]) 

remarked by Kristin Haram Førde

USA: Copyrightability of AI (District Court for the District of Columbia, decision of 18 August 2023 – No. 22-1564 by Beryll A. Howell, District Judge – Stephen Thaler v. Shira Perlmutter, Register of Copyrights and Director of the United States Copyright Office, et al.)