

# **News Update on California's Enactment of Landmark Data Privacy Law**

News Update 6.29.18

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## **In the Aftermath of GDPR, California Passes Consumer Privacy Act of 2018**

Software companies are still taking steps to comply with the European Union's General Data Privacy Regulation ("GDPR"), which just recently went into effect, but they now are facing the prospect of having to comply with a law closer to home: California's New Consumer Privacy Act of 2018. The Silicon Valley Software Law Blog discusses this development at the following blogpost:

<http://www.siliconvalleysoftwarelaw.com/in-aftermath-of-gdpr-california-passes-consumer-privacy-act-of-2018/>

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## **European Court to Hear**

# Challenge to Privacy Shield: Will the Framework Survive Court Review?

If your software company has pursued Privacy Shield certification and is relying on the certification to comply with EU data privacy regulations, then you will be interested to know that a challenge to the framework is to be heard by a European High Court. The Silicon Valley Software Law Blog has addressed this development and what it may mean for the Privacy Shield framework in the following blog post:

<http://www.siliconvalleysoftwarelaw.com/irish-court-has-referred-case-to-european-court-which-challenges-privacy-shield-will-the-eu-u-s-privacy-shield-framework-withstand-scrutiny-by-the-european-high-court/>

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## What Software Companies Need to Know about the GDPR

The European Union's General Data Protection Regulation (the "GDPR") will go into effect on May 25, 2018. In case you are not up to speed on the law already, what do you need to know about it before it goes into effect? The Silicon Valley Software Law Blog addressed the highlights of the regulation in the following blogpost

[:http://www.siliconvalleysoftwarelaw.com/what-software-companies-need-to-know-about-the-eu-general-data-protection-regulation/](http://www.siliconvalleysoftwarelaw.com/what-software-companies-need-to-know-about-the-eu-general-data-protection-regulation/)

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# **Recent FTC Enforcement Actions Should Serve as a Warning to Software Industry Regarding Privacy Practices**

If your company is like most and you have given little or no thought to your company's privacy policy while also collecting data and looking for ways to monetize it, then you may want to rethink how you are operating in light of recent enforcement actions by the FTC in the user data space. The Silicon Valley Software Law Blog addressed these developments in the following blogpost:

<http://www.siliconvalleysoftwarelaw.com/recent-ftc-enforcement-actions-should-serve-as-warning-to-software-industry-about-privacy-practices/>

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## **Takeaways for Software Industry on the Cost of Data**

# Breach

If you are a cloud service provider or a software provider who offers maintenance services to enterprise-level companies, then your company has likely had occasion to negotiate indemnification clauses related to data breaches. Moreover, your company has probably had to provide warranties around data security or employee bad acts that would provide some protections to your customers in the event of a data breach. But have you ever considered what the cost of a possible data breach might really be for your company? The Silicon Valley Software Law Blog addresses this issue in the following blogpost:

<http://www.siliconvalleysoftwarelaw.com/takeaways-for-software-industry-from-new-study-on-costs-of-data-breach/>

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## Report Claims that Most Apps Fail to Protect Users' Privacy

Do most apps on the market fail in provider users' with basic privacy protections?

As the Silicon Valley Software Law Blog reported in a recent blog posting, a recent study suggests that this is in fact a common problem in the software industry, as further discussed in the link below:

<http://www.siliconvalleysoftwarelaw.com/report-reveals-that-the-majority-of-apps-on-market-ignore-privacy-concerns>

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# **FTC Proposing New Rules to Protect Children's Online Privacy**

FTC has announced that it is proposing an amendment to the Children's Online Privacy Protection Rule ("COPPA"). The Silicon Valley Software Law Blog discussed the proposed changes as well as the pros and cons of potential implementation in its blog posting linked below:

<http://www.siliconvalleysoftwarelaw.com/ftc-proposing-new-rules-to-protect-childrens-online-privacy>

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# **President Obama Announces The Consumer Privacy Bill of Rights**

President Obama has announced the Consumer Privacy Bill of Rights initiative, as further discussed by the Silicon Valley Software Law Blog in the following blog post linked here:

<http://www.siliconvalleysoftwarelaw.com/president-obama-unveils-new-consumer-privacy-initiative-the-consumer-privacy-bill-of-rights>

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# **Web-Based Companies Evaluate the OPEN Act Proposed as an Alternative to SOPA**

Is the Online Protection and Enforcement of the Digital Trade Act (“OPEN”) a better alternative to SOPA? The Silicon Valley Software Law Blog explored this question in the blog post linked below:

<http://www.siliconvalleysoftwarelaw.com/is-the-open-act-a-more-viable-alternative-to-sopa>

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# **SOPA Blackout Day Set to be Observed by Prominent Websites**

A number of prominent websites are set to observe SOPA Blackout Day. The Silicon Valley Software Law Blog discussed the SOPA Blackout controversy in the following blog post linked here:

<http://www.siliconvalleysoftwarelaw.com/websites-set-to-observe-sopa-blackout-day>