



September 2019 EU affairs newsletter

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Data

EU Consultation on Data Stocks and Data Flows in the EU

The Directorate-General Communications Networks, Content and Technology (DG CONNECT) is currently working on setting up the **European Data Flow Monitoring initiative** to map data flows across the European Union (EU).

In this context, DG CONNECT, in collaboration with the Joint Research Centre, is launching a voluntary survey for companies and public entities to gather aggregated and anonymized data on:

- The amount of data stored within cloud infrastructures by companies and public entities within the EU (i.e. data stocks) and;
- Data moved from one cloud infrastructure to another across the EU (i.e. data flows).

The gathered data from the survey will then be used for the development of a publicly available aggregated **European mapping of current data stocks and flows across the EU territory** as of 2019 for the preliminary mapping and as of 2020 for final mapping.

Companies and public entities are encouraged to give their input to the survey **until 15 October 2019**.

Click here to access the [Full survey](#)

Competition

EU Commission Antitrust service questions on Libra

The EU Commission DG COMP is starting to question Libra and its potential impact on competition. According to a Bloomberg report, DG COMP has asked Facebook a bunch of question regarding competition for Libra and especially regarding its use of consumer data. Another issue is the integration of applications based on Libra into the larger Facebook ecosystem such as WhatsApp or Messenger.



Banking / PSD2

EBA clarifications on PSD2

The European Banking Authority (EBA) published on August 14th 2019 clarifications to a fifth set of issues that had been raised by participants of its Working Group (WG) **on APIs under PSD2**. The clarifications respond to issues raised on the measurement of response times of the dedicated interface, the machine-readability of the EBA register, reliance on eIDAS certificates and various issues related to the contingency measures, **including the identification of third party providers through 'quest books', the data that can be accessed and documentation**.

In January 2019, the EBA established a Working Group (WG) on APIs under PSD2, consisting of 30 individuals representing account servicing payment service providers (ASPSPs), third party providers (TPPs), API initiatives, and others market participants. The aim of the group is to facilitate industry preparedness for the Regulatory Technical Standard (RTS) on Strong Customer Authentication and Common and Secure Communication and to support the development of high-performing and customer-focused APIs under PSD2.

The group is tasked with identifying issues and challenges that market participants face during the testing and use of API interfaces in the period leading up to the application date of the RTS on 14 September 2019. The group is also asked to propose solutions on how the identified issues could be addressed, which the EBA and national authorities will then consider when providing clarifications in response to the issues raised.

Click [here](#) to see the link to relevant EBA publication.



Digital

EU consultation on the proposed Digital Europe Programme

The European Commission has launched a consultation on the orientation of the first two years of its proposed Digital Europe program. As part of the next long-term EU budget for 2021-2027, the program would invest €9.2 billion in five key areas: supercomputing, artificial intelligence, cybersecurity, advanced digital skills, and ensuring a wide use of these digital technologies across the economy and society. It will enable European governments and industry to build capacity, test digital technologies, and bring them to market, in order to improve Europe's competitiveness in the global digital economy and increase its technological autonomy. It will also fund the establishment of Digital Innovation Hubs in Member States. The consultation is open to anyone with an interest in digital technologies and their deployment in Europe, and will ask participants to give their views on the programme's draft 'Orientations', a document that will help the Commission to develop the programme's work plans and calls for proposals for 2021-2022.

More information, including a link to the consultation, is available [here](#).

Data & E-privacy

The Federal Administrative Court in Leipzig has asked the Court of Justice of the European Union to clarify if the ePrivacy Directive supersedes the data retention provisions outlined in Germany's Telecommunications Act. Plaintiffs from two separate cases have objected to the obligation placed on them by both laws to store telecommunications data of their customers in reserve. A lower court ruled the plaintiffs are not required to store the data per the TKG. The lower court said the storage requirement infringes EU law and is not applicable to the plaintiff's cases. The appeal proceedings are on hold until the CJEU clarifies the rule.



Data protection

CJEU rules that right to be forgotten applies only to EU individuals

The Court of Justice of the European Union ruled the right to be forgotten can only be applied to individuals within the EU, The New York Times reports. The court determined the RTBF “is not an absolute right.” In a separate ruling, the CJEU said companies must consider free expression of information before deleting links with certain types of personal data. “The balance between right to privacy and protection of personal data, on the one hand, and the freedom of information of internet users, on the other, is likely to vary significantly around the world,” the court said in its decision. The [Times also reported](#) on a RTBF case involving an Italian journalist.

Credit reporting

FTC and CFPB to Host December Workshop on Accuracy in Consumer Reporting

The Federal Trade Commission and the Consumer Financial Protection Bureau (CFPB) will host a public workshop on December 10, 2019 to discuss issues affecting the accuracy of both traditional credit reports and employment and tenant background screening reports.

Since the FTC released its [2012 study on accuracy in credit reporting](#), there have been several changes in the landscape that impact the accuracy of consumer reports. In 2012, the CFPB began conducting supervisory reviews over large credit reporting agencies (CRAs), as well as various providers of consumer financial products or services that furnish information about consumers to CRAs. In addition, in 2015, following state investigations regarding various credit reporting issues, the nationwide CRAs agreed to a [multi-state settlement](#) that requires stricter standards for matching records, removal of certain public record information, and restrictions on medical debt reporting. Also, new developments, such as the use of machine learning and alternative data in making eligibility determinations, present both opportunities and challenges for the consumer reporting industry.

The December workshop seeks to bring together stakeholders—including industry representatives, consumer advocates, and regulators—for a wide-ranging public discussion on the many issues impacting the accuracy of consumer reports. The agencies invite interested individuals to submit comments



recommending topics that should be addressed or specific information on the following potential topics for discussion:

- What are the lessons from the CFPB’s supervisory reviews of CRAs and furnishers on accuracy and dispute obligations?
- What are the lessons from CFPB and FTC enforcement cases on furnisher and CRA accuracy obligations?
- How do furnishing practices differ based on the types of furnishers and the information they furnish to CRAs, and how does that impact accuracy?
- What has been the effect of the removal of most civil judgments and tax liens from credit reports and recent changes in the reporting of medical debt?
- How do background screening CRAs address accuracy in light of the limited personal identifying information included in public records?
- What opportunities or challenges does inclusion of non-traditional data in credit reports, credit scoring models, or background screening reports present for accuracy?
- Can new technologies and data management practices be used to improve accuracy?
- How do consumers learn about inaccuracies on their consumer reports and navigate the current dispute process? What are the experiences of victims of identity theft in the dispute process?
- How have the changes to the dispute process contained in the National Consumer Assistance Plan, which evolved out of the 2015 multi-state settlement, impacted the consumer experience?
- Once consumers get erroneous information removed from their credit files through the dispute process, do they still have difficulties getting loans or other credit?
- What government measures (including changes in the law) and private sector measures could improve accuracy? What are the costs and benefits of these possible measures?
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Comments may be submitted until January 10, 2020, [electronically](#) or in written form. If you prefer to file your comment on paper, write “Accuracy in Consumer Reporting Workshop” on your comment and on the envelope and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th St., SW, 5th Floor, Suite 5610, Washington, D.C., 20024.

Requests to participate as a presenter or panelist at the workshop can be submitted to AccuracyWorkshop@ftc.gov. If a proposed panelist or commenter is affiliated with an entity that has provided funding for research, analysis, or commentary on relevant topics, please identify such funding and its source in your comment or in your request for consideration as a speaker.



About FEBIS– Federation of Business Information Services

Benefiting from the opening of markets within Europe and overseas, world-wide business has experienced substantial growth. As business grows so does the demand for business information intelligence for cross-border business activities.

In 1973, leading European credit information agencies joined forces to form the Federation of Business Information Services FEBIS (initially known as FECRO), with its registered office in Frankfurt. Today, FEBIS has developed into a sizable organization comprising more than 100 members from all over the world involved in providing Business Information and credit information services of national and International importance.

As the industry association, FEBIS strives to look after common interests of its members. While monitoring new legislation like data protection laws and insolvency laws, FEBIS also oversees and the application of public sources and information.