

Cabinet of Vice-President ANSIP - Minutes of Meeting

MEETING CONCLUSIONS

Title	Meeting JL, LC, GD – Microsoft
Date	18/10/2017
Participants	Microsoft) – Microsoft) COM: Juhán Lepassaar – Laure Chapuis –
Issues raised & follow-up	<p>The meeting between (Microsoft) and Juhán Lepassaar/Laure Chapuis focused on the ePrivacy Regulation proposal, GDPR implementation,; also on e-evidence and request for data from third countries authorities</p> <p>With Microsoft's concerns over text clarity and the ePrivacy Regulation overlapping with GDPR, JL/LC suggested waiting for the vote in the LIBE Committee on the following day. There is already a problematic scenario with the delay of GDPR kicking in. If we lose the "raison d'être", we also lose the level playing field.</p> <p>insisted unclear terminology wrt confidentiality makes data processing for machine learning virtually impossible due to consent. Proposed solution-pseudonymisation and evolving the meaning of consent. LC argued that in line with GDPR, sensitive data are subject to additional safeguards, communication data are in essence sensitive. Alternative to consent could be considered if sufficient safeguard but no industry player came up with proposal that could be suitable in front of court. . JL asked for better arguments if consent to be given exceptions. LC added that next important milestone will be the adoption of the Article 29 WP Guidelines on consent.</p> <p>mentioned 'Photo DNA' in the context of transit as an application to be targeted if EP expands protection of transmission to stored data. Microsoft to meet with Ms. Despina next week to look into communication of sensitive data and try to accommodate legal services. LC answered that COM clarified via letters that the intention of the proposal is to deal with transit only – storage is falling under GDPR.</p> <p>On data retention and virtual interception, mentioned it as a point to explore further. Evidence context needs mutual cross-border tools, as they do not have service and data centres in all MS. The lawsuit from the US Department of Justice for access to data stored in Dublin was raised. A letter is being prepared for the Commission laying down a request for an Amicus Brief in the Supreme Court Case.</p> <p>JL mentioned that in the house the Commission is working on e-evidence more in depth for criminal cases.</p> <p>JL/LC welcomed Microsoft interest and asked for future well-argued contributions.</p>

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