

Trending Topics of the month



Privacy and
Data Protection



Artificial
Intelligence



Telecom



Intellectual
Property



Media

#Privacy and Data Protection

Individual use of portable cameras by police officers in Portugal



[Decree-Law No. 2/2023 of 2 January 2023](#) defines the use and characteristics of portable cameras aimed at individual use by police officers, as well as the form of transmission, storage and access to the collected data.

The Decree-Law settles that portable police cameras may only be used, on the one hand, by duly selected and authorised police officers and, on the other hand, in the context of a police action (and only when a criminal offence is being committed, in the event of aggression against the police officer or third parties, disobedience and resistance to legal orders given legitimately, in cases of emergency or in events of public disorder, among other situations).

As for the processing of and access to data, the images and sounds collected, these are only accessible via a reserved-access technical system installed at the police offices. That data is then immediately encrypted and catalogued. The technical system also allows for the management and storage of the collected data, ensuring access control and a record of all actions performed in respect of the data, which cannot be deleted by unauthorised users.

The aim of having police use this equipment is to reduce conflict during police interventions and to benefit criminal investigations where the data collected can be used as evidence.

This Decree-Law entered into force on 3 January 2023. 

CNPD approves guidelines on organisational and security measures applicable to the processing of personal data

On 10 January 2023 the Portuguese Data Protection Supervisory Authority (Comissão Nacional de Proteção de Dados, or “CNPD”) approved [guideline/2023/1 on organisational and security measures applicable to the processing of personal data](#) pursuant to Article 7(1)(d) of the General Data Protection Regulation (“GDPR”) and Article 3 of the Law No. 58/3019 of 8 August 2019 (“Portuguese Data Protection Law”).

These guidelines have been approved following a year marked by cyber-attacks suffered by a number of companies in Portugal. The CNPD has concluded that

the vast majority of the cyber-attacks in 2022 could have been prevented, or at least that their impact on personal data subjects could have been mitigated significantly, if companies had adopted the necessary organisational and security measures. Hence, the guidelines contain a non-exhaustive set of security measures, which can be updated whenever deemed necessary by the Supervisory Authority. ^{up}

IE DPA adopts its decision regarding Meta Platforms Ireland Limited

On 12 January 2023, the Irish Data Protection Authority (“IE DPA”) adopted [its final decisions](#) of 31 December 2022 regarding Facebook and Instagram following the [European Data Protection Board \(“EDPB”\) binding dispute resolution decisions of 5 December 2022](#).

These decisions are the result of complaint-based inquiries into Facebook’s and Instagram’s activities, in particular concerning the lawfulness and transparency of processing for behavioural advertising. The IE DPA fined Meta Platforms Ireland Limited €210 million in the Facebook decision and €180 million in the Instagram decision.

For more information, please see [EDPB press release](#). ^{up}




EDPB determines privacy recommendations for the use of cloud services by the public sector and adopts a report on the Cookie Banner Task Force

On 18 January 2023, the European Data Protection Board (“EDPB”) published its adopted [report on the findings of its first coordinated enforcement action](#), which focused on the use of cloud-based services by the public sector.

In this report, the EDPB highlights the need for public bodies to be compliant with the GDPR by drafting recommendations for public sector organisations on the use of cloud-based products or services. In addition, a list of actions already taken by data protection authorities (“DPAs”) in the field of cloud computing has been made available.

Moreover, the EDPB adopted a [report on the work undertaken by the Cookie Banner Task Force](#), which was established in September 2021 to coordinate the response to complaints concerning cookie banners filed with several European Economic Area (“EEA”) DPAs by [NOYB](#), a non-profit organisation (“NGO”).


In this the report, the DPAs agreed upon a common denominator in their interpretation of the applicable provisions of the ePrivacy Directive and of the GDPR, on issues such as reject buttons, pre-ticked boxes, banner design, or withdraw icons, in order to ensure a consistent approach to cookie banners across the EEA.

For more information, please see [EDPB press release](#). 

EDPB publishes a binding decision concerning WhatsApp

On 24 January 2023 the [European Data Protection Board \(“EDPB”\) published its binding dispute resolution decision of 5 December 2022](#), in which WhatsApp was issued a €5.5 million fine by the IE DPA regarding its [final decision adopted in 12 January 2023](#).

In the EDPB’s binding decision, IE DPA is instructed to amend its draft decision with regard to the findings on lawfulness of the processing and the principle of fairness, and to the corrective measures envisaged.

For more information, please see [EDPB press release](#). 




#Artificial Intelligence

NAIRR Task Force publishes its final report on Strengthening and Democratizing the U.S. Artificial Intelligence Innovation Ecosystem



On January 2023, the National Artificial Intelligence Research Resource (“NAIRR”) Task Force established by United States (U.S.) Congress following the [National AI Initiative Act of 2020](#), published an [implementation plan for a National Artificial Intelligence Research Resource](#) (cyberinfrastructure) which aims to overcome the access divide (to these technologies), reaping the benefits of greater brainpower and more diverse perspectives and experiences applied to developing the future of AI technology and its role in U.S. society.

The [White House Office of Science and Technology Policy \(“OSTP”\)](#) and the [National Science Foundation \(“NSF”\)](#) formally launched the NAIRR Task Force in June 2021. This final report is the culmination of the Task Force’s 18-month efforts to develop a vision and implementation plan for establishing the NAIRR. 




EPO publishes a patent report on quantum computing

On 25 January 2023, the [European Patent Office \(“EPO”\)](#) published a [patent insight report on quantum computing](#).

In recent years, many large technology companies have been invested heavily in developing quantum computing technologies. These technologies are highly advantageous and competitive compared to classical systems, as they enable an analysis of vast amounts of data that traditional computer systems simply cannot perform within reasonable timeframes.


This report provided insight on quantum computing in the following sub-sectors: (i) physical realisations of quantum computing; (ii) quantum error correction and mitigation; and (iii) technologies related to quantum computing and artificial intelligence/machine learning.

For more information, please see the [EPO pres release](#). 

Telecommunications

Several provisions on the new Portuguese Electronic Communications Law entered into force on 13 January 2023



[Law No. 16/2022 of 16 August 2022](#) (the “Portuguese Electronic Communications Law”) came into force on 14 November 2022, but certain provisions only became applicable from 13 January 2023, specifically those referring to the amounts payable in the event of early cancellation of contracts as pursuant to Articles 12(1) and 136(4) and (5) of the referred Law. The Portuguese Electronic Communications Law transposes [Directive \(EU\) No. 2018/1972, of the European Parliament and of the Council of 11 December 2018 \(“European Electronic Communications Code”\)](#) into Portuguese legislation, replacing Law No. 5/2004, of 10 February 2004.” 




#Intellectual Property

The European Audiovisual Observatory starts a new year under a Portuguese Presidency



The European Audiovisual Observatory starts 2023 under the presidency of the Legal and International Affairs Officer within the Portuguese national cinema institute, (Instituto do Cinema e do audiovisual) Marta Sousa, representing Portugal on the Observatory’s Executive Council.

A public media conference will be hosted by the Presidency of the Observatory in the first half of June and an in-person event will be held in Lisbon on 6 June 2023 on a topic to be chosen by the Observatory’s Portuguese Presidency.

For more information, please see the [European Audiovisual Observatory press release](#). 

Intellectual Property Crime Case–Law of National Courts 2023

The [second edition of Case-law of National Courts on Intellectual Property Crime \(“IPC”\)](#) summarises national judgments and highlights the most prevalent problems concerning the crimes of counterfeiting and online piracy. This document aims to demonstrate how national courts in various jurisdictions across the European Union (“EU”) Member States and Third Contributing Countries interpret and apply those criminal offenses.

The summaries are categorised according to the main issue addressed in each case and there are links to the full text of the judgments in their original language, as well as references to relevant national legislation and other related court cases. The document was prepared within the framework of the Intellectual Property Crime Project, launched in March 2021 and based on a Service Level Agreement signed between the European Union Intellectual Property Office (“EUIPO”) and the European Union Agency for Criminal Justice Cooperation (“Eurojust”). 

WIPO opens the 2023 edition of its Global Awards program

On 16 January, the World Intellectual Property Organization (“WIPO”) opened the 2023 [Global Awards Competition for SMEs](#) seeking SME (small and medium-sized enterprises) candidates from around the world that use IP-backed technology in an outstanding manner in order to achieve business goals and improve society.

The WIPO Global Awards initiative celebrates exceptional enterprises and individuals making a smart use of IP for commercialisation, while also bringing a positive contribution to society through their innovation and creativity. An independent jury will select up to seven winners from a shortlist of 20 nominees based on several criteria, including the successful commercialisation of IP and its positive contribution to society.

Winners receive a tailored mentoring package to support their IP strategies, which includes funding facilitation, partnership opportunities and publicity support.

Winners will receive their awards at a ceremony at WIPO’s Geneva headquarters during WIPO’s General Assembly in July 2023. This is an annual competition and is now open to applicants from around the world as well as from across all industries until 31 March 2023.

For more information, please see the [WIPO press release](#). 

EUIPO SME fund 2023

On 23 January 2023, the European Union Intellectual Property Office (“EUIPO”) opened its new edition of the EU’s SME Support Fund, which will run until 8 December 2023.

Under this initiative, funds are limited and available on a first-come-first-served basis. The SME Fund offers financial support to SMEs established in the EU, helping them to protect their IP rights.

For more information, please see the [EUIPO press release](#). 




#Media

ERC publishes report on the Media Sector in Portugal



On 5 January 2023, the Portuguese Media Regulatory Authority (Entidade Reguladora para a Comunicação Social or “ERC”) published its [report on Economic and Financial Analysis of the Media Sector in Portugal in year 2021](#).

For more information, please see [ERC press release](#). 



This document was prepared by the TECHNOLOGY, DATA AND DIGITAL INNOVATION team of **CS'Associados**.

For further information please contact

Jorge Silva Martins
jorge.silvamartins@csassociados.pt



João Carminho



Inês Coré

This document is for information purposes only. It contains general information that is not intended as being, nor does it purport to offer, a comprehensive analysis of its subject matter. Therefore, it does not replace appropriate legal advice into the topics it describes. This information cannot be reproduced, in whole or in part, without the express authorisation of **CS'Associados**.