

# Privacy & Data Protection

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## Headlines

- New EU-US agreement on PNR, p.18
- Barclays told to review underwriting processes, p.19
- CCTV plans for taxis cause controversy, p.20

## Contents

<i>Expert comment</i>	2
<i>From consensual to compulsory — what to expect when the ICO comes knocking</i>	3
<i>ICO's briefing on the future of data protection in EU</i>	7
<i>Data protection in the games industry — Part 2</i>	9
<i>Breach notification — the German experience</i>	12
<i>The rising in the East</i>	16
<i>News &amp; Views</i>	17

## Draft of EU Regulation leaked, changes are all-encompassing

The European Commission's draft proposal for data protection reform has been leaked ahead of publication.

The 116 page document, which was due to be published next month, proposes a raft of revolutionary reforms, indicating that nothing short of wholesale change of data protection practices throughout EU organisations will be sufficient to comply.

The document confirms that the European Commission intends for the new law to take the form of a

Regulation, having immediate legal effect throughout the EU. The document states that "a Regulation is considered to be the most appropriate legal instrument to define the framework for the protection of personal data in the Union. The direct applicability of a Regulation will reduce legal fragmentation and provide greater legal certainty by introducing a harmonised set of core rules, improving the protection of fundamental rights of individuals and contributing to the functioning of the Internal Market".

Amongst the raft of changes in the Regulation are: tougher enforcement rules; new rules for children's data; compulsory Data Protection Officers for all public sector bodies and private sector bodies with more than 250 staff; specific obligations for Data Protection Officers; new definitions of key terms; the abolition of implied consent for processing personal data; the creation of a specific ground for processing called 'direct marketing for commercial purposes'; a need to demonstrate compliance

[\(Continued on page 17\)](#)

## Three new fines from UK regulator, one the largest ever

The Information Commissioner's Office has imposed fines on three organisations, one of which represents the largest to date.

The most severe penalty yet, of £130,000 (€150,000), was given to Powys County Council after it sent details of a child protection case to the incorrect person. The recipient was aware of the identity of the parent and child whose personal

details were included in the paper. The breach attracted a high penalty because the Council had already been warned by the ICO to tighten its data security after a similar incident.

Former Deputy Information Commissioner at the ICO, Francis Aldhouse, told *Privacy & Data Protection* "the error here was old-fashioned muddling of sheets of

paper. This latest fine confirms the previous trend of concentrating on local councils' mishandling of social care data and sends the message that data loss is as likely to arise from simple administrative failure as from any high-tech security breakdown."

The other two fines, of £80,000 and £60,000, were also given for data security breaches. In

[\(Continued on page 17\)](#)