



Privacy & Data Protection

Volume 5, Issue 6

June 2005

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Commissioner to target inadequate privacy notices

The UK's data protection regulator has signalled that his office will be paying closer attention to the use of 'privacy notices.'

On 7th June, Richard Thomas, the Information Commissioner, announced a major initiative to raise awareness of the need for and necessary content of privacy, or 'fair collection,' notices. He suggests that privacy notices should be simpler and easier to understand than those currently being used.

The legal requirement for fair collection notices arises in Schedule 1 of the Data Protection Act 1998, which obliges organisations to provide certain information to people when their

personal information is collected (e.g. on an online or offline application form). The information that must be supplied to individuals is: the identity of the data controller; the purposes for the processing of the collected data; and, any other information that enables the processing to be 'fair.'

The new initiative follows research, commissioned by the Commissioner's Office, into the use of fair collection notices. The research, published on the Commissioner's website, discloses the following statistics:

- 58% of people care about small print;
- 60% of people care about

how their information is used;

- 58% of people misunderstand the scope of the Data Protection Act; and
- 44% of people read fair collection notices in detail.

The Commissioner's heightened activity in the area of fair collection notices results from a November 2004 report by the Article 29 Working Party. That report criticised some Member States for having failed to take seriously the issue of fair data collection.

Both the Article 29 Working Party and the Commis-

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Zeta-Jones—privacy breach confirmed by Court of Appeal

Catherine Zeta-Jones and Michael Douglas have maintained their victory against *Hello!* magazine on appeal to the UK's Court of Appeal.

It has been five years since the case, which arose out of the publication of unauthorised wedding photographs, first came to light. Initially the High Court granted an injunction preventing publication of the photographs by *Hello!* The Court of Appeal's decision to lift the

injunction, in December 2000, was heralded by many as the beginning of a substantive privacy right in English law.

Although the celebrity claimants successfully resisted attempts by *Hello!* to overturn their 2003 win in the High Court, *Hello!* will be delighted that it defeated *OK!* on appeal—*OK!* Had previously won £1,033,156 in damages, although the legal costs are expected to

be higher than that figure.

Chris Hutchings, of M Law, the firm that represents *Hello!*, told *Privacy & Data Protection* that "this dispute was overwhelmingly about commercial issues... The Court of Appeal held that privacy is something which can be commercialized, but only for the benefit of the individual. Privacy rights are not akin to property rights and cannot be traded to a

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