

Privacy & Data Protection

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Headlines

- ‘Don’t read too much into drafts’, says UK regulator, p.17
- Working Party uncovers results of cookie sweep, p.18
- Microsoft adopts international privacy standard for cloud services, p.20

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UK regulator’s powers to audit expanded — NHS bodies watch out

The UK regulator has been given the power to require public healthcare organisations to be subject to compulsory audits for data protection compliance.

Until 1st February 2015, the powers for the Information Commissioner’s Office to conduct compulsory audits under section 41A of the Data Protection Act 1998 were limited to central government departments.

The extension of the powers, made pursuant to the Designation of National Health Service Bodies Order 2014, applies to NHS

bodies only; private providers of NHS services remain unaffected.

The ICO’s new audit powers will enable it to assess how data protection is dealt with by NHS foundation trusts, GP surgeries, NHS trusts and community healthcare councils in England, and their equivalent bodies (such as local health boards) in Wales, Scotland and Northern Ireland.

The extension reflects the ICO’s longstanding concern regarding data handling practices in the health sector.

The Information Commissioner, Christopher Graham, expressed the hope that the new powers will drive improvements in NHS data handling and will give the ICO an early opportunity to take action before serious data breaches happen.

Mr Graham said: “We fine these organisations when they get it wrong, but this new power to force our way into the worst performing parts of the health sector will give us a chance to act before a breach happens. It’s a reassuring step for patients.”

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UK government consults on interceptions following landmark ruling

The UK government has issued two Codes of Practice setting out the safeguards that apply to police and the security and intelligence agencies in their use of investigatory powers.

The Codes, issued under section 71 of the Regulation of Investigatory Powers Act 2000 (‘RIPA’), have been published following a land-

mark ruling from the Investigatory Powers Tribunal. That ruling said that the regime governing the bulk sharing of intercepted electronic communications data between Britain and the US was unlawful for seven years.

According to the decision, which was made in a case brought by Privacy International,

Bytes for All, Liberty and Amnesty International, the UK communications intelligence agency GCHQ violated the rights to privacy and freedom of expression laid out in the European Convention on Human Rights by sharing data with the US under the PRISM programme between 2007-2014.

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