



Privacy & Data Protection

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Headlines:

- US links data breaches to file sharing, p.17
- 'Internet of things' draws closer?, p.18
- Most trusted privacy measures revealed, p.20

Inside this issue:

Editorial	2
ICO's Guide to Data Protection — easy as ABC?	3
Rise of biometric data sharing — but who is looking after data subjects' rights?	6
Data protection: back to basics — Part 4	8
New controller to processor model clauses — the verdict	10
Handling access requests — lessons from the Access Rights Index	12
Privacy cases — has John Terry dropped Mosley's baton?	14
News & Views	17

Commissioner launches Privacy Dividend Report

Information Commissioner, Christopher Graham, has launched landmark report, 'The Privacy Dividend', which for the first time helps to articulate the business case for investing in proactive privacy protection.

The report is the result of a three month research project undertaken by appointed tenderers, Watson Hall Ltd and John Leach Information Security Ltd.

In launching the Report, Mr Graham urged organisations to put a value on personal information and

invest in privacy protection. He said "no organisation can neglect to protect people's privacy. Not only is it the law, but there is also a hard headed business imperative".

This report is in two volumes. The first, aimed at business leaders, looks at why personal information should be protected and the benefits that organisations can expect to gain from protecting personal privacy. It concludes that protecting privacy should make good business sense for those organisations that process

personal information regardless of their sector or size.

The second volume, aimed at senior personnel within organisations, provides a more complete discussion of each of the main components that make up that business case, and provides practical guidance and assistance to help organisations develop their own business cases tailored to their particular systems and circumstances.

The practical tools include
(Continued on page 17)

Opinion fails to address heart of the issue, say experts

The Article 29 Working Party has adopted its long awaited Opinion on the concepts of data 'controller' and data 'processor', which experts are saying fails to provide organisations with much needed certainty on the nature of their data protection obligations.

There has been much debate surrounding the boundaries of the two definitions, not least because of the Working party's characterisation

in 2006 of SWIFT as co-controller for the purposes of the European Data Protection Directive (95/46/EC). SWIFT, a service provider that facilitates the settlement of international financial transactions, was not an organisation traditionally defined as controller (which carries significantly more extensive obligations than a mere processor under the Directive and implementing laws).

Upon the recent release of the Opinion, it is widely thought that the Working Party has failed to put an end to the debate.

Monika Kuschewsky, Partner at Van Bael & Bellis, said "though the Opinion identifies major challenges in determining who is the controller and who is the processor, it actually fails to provide a long-awaited clarification in this respect.

(Continued on page 17)