

Privacy & Data Protection

Volume 14, Issue 8

September 2014

Headlines

- Vodafone secures cyber security accreditation, p.17
- Latest Annual Report shows unsolicited marketing still a 'major concern', p.18
- DMA's new Code of Practice now in force, p.19

Contents

| | |
|---|----|
| <i>Expert comment</i> | 2 |
| <i>ICO's Big Data Report — guidance for DPOs</i> | 3 |
| <i>Google and the 'right to be forgotten' — setting the record straight</i> | 6 |
| <i>The wider effect of the 'right to be forgotten' case</i> | 8 |
| <i>Practitioner Certificate in Data Protection — Exam Results</i> | 10 |
| <i>Canada's anti-spam legislation — a high bar?</i> | 12 |
| <i>CJEU judgment on personal data and SARs — what does it mean?</i> | 15 |
| <i>News & Views</i> | 17 |

Emergency data retention law to be challenged

A human rights group and two MPs are leading a challenge against the decision taken by the UK government in July 2014 to pass emergency data retention legislation.

The Data Retention and Investigatory Powers Act 2014 ('DRIP'), which allows the Secretary of State to require that internet and phone companies collect customers' communications 'traffic' data and store them for up to 12 months, was enacted after the European Court of Justice ruled in April 2014 that the Data Retention Directive (2006/24/EC) was invalid.

DRIP was fast-tracked through Parliament with the support of all three main political parties. According to UK Home Secretary Theresa May, this was necessary because "[criminal] investigations could have suddenly gone dark overnight."

One of the MPs applying for a judicial review of the decision to pass the legislation, David Davis, said he was seeking the review because DRIP was 'driven through the House of Commons with ridiculous and unnecessary haste to meet a completely artificial emergency'. He told a Westminster

press conference the legislation had the effect of 'tagging every single person in Britain who has a phone'.

Tom Watson, the other MP leading the challenge, said the Act failed to answer concerns that the blanket retention of data was a breach of fundamental rights to privacy.

Human rights organisation Liberty will argue on behalf of Davis and Watson that the new legislation is incompatible with Article 8 of the European Convention on Human Rights, which includes

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

UK regulator takes on Big Data

The UK regulator has published a first-of-its kind report about how data protection law applies when organisations make use of Big Data analytics.

As noted in the introduction to the report, Big Data is currently a major topic of discussion across a number of fields, including management and marketing, scientific research, national security, government transparency and

open data. Also, organisations in both the public and private sectors are making increasing use of Big Data analytics.

Many instances of Big Data analytics do not involve personal data. The ICO cites the example of climate and weather data, which could enable new discoveries and improved services without using personal data.

However, there are many examples of Big Data analytics that do involve processing personal data, from sources such as social media, loyalty cards and sensors in clinical trials.

The ICO's report looks extensively at the data protection issues presented by Big Data, and suggests aspects of

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