



# Privacy & Data Protection

Volume 3, Issue 4

March 2003

## Headlines:

- Microsoft's .Net Passport radically altered for EU compliance, p.15
- Lord Archer makes subject access request, p.15
- £15,000 fine for text message spamming, p.16

## Inside this issue:

Telecoms marketing data	3
Data protection and children's websites	5
Customer databases	7
Argentinean adequacy	10
Privacy in the US	11
News & Views	13

## CCTV images breach man's right to privacy

In a landmark ruling with dramatic legal consequences, a British man has been awarded compensation by the European Court of Human Rights.

Geoffrey Peck's privacy rights were breached when CCTV images of his suicide attempt were broadcast on BBC television in 1995.

Mr Peck had become severely depressed after losing his job and learning that his partner, the mother of his daughter, had been diagnosed as terminally ill. He attempted to slash his own wrists with a kitchen knife in

Brentwood High Street, Essex.

Police were alerted and led Mr Peck away, but he was not charged with any crime. Brentwood Council issued the CCTV footage to two local newspapers, Anglia TV and the BBC, to publicise the success of the CCTV cameras in deterring town-centre crime. Mr Peck's features were not properly masked and he was identified by friends, neighbours and relatives. He subsequently suffered great distress.

The Human Rights court, finding that the Council's action had been a "disproportionate and

unjustified interference with his private life" awarded Mr Peck £7,800 in damages, and nearly £12,000 costs.

James Welch, legal director of Liberty, which took Mr Peck's case to the European court, said, "The court has confirmed something that should be glaringly obvious to people operating CCTV systems—they can't pass on footage of people without any regard for those people's right to privacy. Sadly, that's too often ignored.

"CCTV is still very poorly controlled by UK law—

*(Continued on page 13)*

## TUC criticises Commissioner for delay to employment codes

The Trades Union Congress (TUC) has urged the new Information Commissioner to resist "employer lobbying" and to publish the delayed code of practice on monitoring of staff email and Internet use.

The unions claim that, due to the absence of the code, both businesses and employees have lacked guidance on their legal rights and obligations under data protection laws. They state that the publication of the guidelines should be the first item on the agenda of

Richard Thomas, who took over as the UK's Information Commissioner in November 2002.

Richard Thomas's intention to revamp the monitoring code will lead to a further delay of two months. The fourth section of the Code (medical records) will not be available until the end of 2003. The existing two sections of the Code (recruitment and selection, and records management) are also due to be revamped.

The TUC claimed that the latest draft of the monitoring code "gets it about right," requiring employers to "have a justifiable reason before breaching employee privacy." The organisation argued that the draft provides clear guidance on how the Data Protection Act 1998 regulates employers' use of email and Internet monitoring, CCTV cameras and covert surveillance to monitor staff, and it is, therefore, ready to be published.

*(Continued on page 13)*