



Privacy & Data Protection

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Intra-company global data transfers to be allowed by EU

An influential EU body has recommended that foreign transfers of personal data be made easier for multi-national organisations.

The Article 29 Working Party, a body set up by the EU Data Protection Directive to investigate the operation of data protection legislation in the European Union, has produced a Working Document which effectively sanctions the use of codes of practice to facilitate global data transfers.

Existing data protection law states that companies based in any EU country

are prohibited from sending personal data to any location outside the European Economic Area, except in certain specified circumstances.

One such circumstance is where a contract has been entered into between the data exporter and the data importer which guarantees the safety of personal data in the importer's country. The problem for global organisations is that they cannot enter into a contract with themselves.

Another exemption from the export ban is the use of the 'Safe Harbor' privacy principles. Again,

these will not always be effective—in this case because the Safe Harbor rules apply only to exports from the EU to the United States.

According to the Working Document, the solution for those companies that are unable to use either Safe Harbor or the standard contractual clauses is the adoption of binding corporate rules which protect personal data.

The Working Document will come as a huge relief to multi-national organisations, such as large accounting practices, business consultants and

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MP's demand privacy law for the UK

In a report on media intrusions into the private lives of individuals, the Commons Media Select Committee has criticised the UK's system of press self-regulation.

The report, published on June 16th, calls on the government to review the case for a properly thought-out privacy law before judges made it up "on the hoof." Gerald Kaufman, the Committee chairman declared his general support for the system of self-regulation but indicated that the Press Complaints Commission had, to date,

been wholly ineffective in carrying out this role.

The Committee's report called for a system of fines for misbehaving publications and recommended front-page retractions/apologies where newspapers fall foul of privacy provisions. A league table of the worst offending publications (ordered by number of complaints) was published in the report—the top three are listed as the *Sun*, the *News of the World* and the *Mail on Sunday*.

The view of the Commit-

tee is that a new privacy law is required in addition to a beefed up self-regulatory regime. Otherwise, warns the report, a de facto privacy code would be created by the courts as a result of cases such as those brought by Catherine Zeta-Jones against *Hello!* and Sara Cox against the *People*.

Tessa Jowell, the Culture Secretary, said that, "the government continues to believe self-regulation is the best regulatory system. That does not mean that there is no room for im-

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