



Privacy & Data Protection

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Electoral register rules lawful—192.com fails to overturn new law

New restrictions on selling copies of the full electoral register only to designated companies are not unlawful, says the High Court.

Mr Justice Maurice Kay, in refusing to grant judicial review to I-CD Publishing Ltd, proprietors of the intrusive 192.com service, declared that the decision of the First Secretary of State to omit 192.com from the list of those eligible to buy copies of the full electoral register was not unlawfully selective or irrational.

Regulation 114 of the Representation of the People (England and Wales) (Amendment) Regulations 2002 permits local authority electoral registration officers to sell the full electoral register to credit reference agencies registered under Part III of the Consumer Credit Act 1974, but not to general commercial organisations such as I-CD Publishing.

The 2002 Regulations were produced as a result of an action by Brian Robertson against Wakefield Metropolitan

Council in November 2001 (reported in *Privacy & Data Protection*, Volume 2, Issue 3), which declared as unlawful the sale, without consent, of the electoral register for marketing purposes—as such sale would defeat the purposes of Article 14 of the EU Data Protection Directive concerning direct marketing.

Kate Brimsted of law firm Herbert Smith said, “192.com’s judicial review application marks the second unsuccessful challenge to the”
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Commissioner promises to simplify data protection law

The Information Commissioner, Richard Thomas, states that he is committed to simplifying data protection law for small businesses.

In his first Annual Report, published in July 2003 (see further at page 12), the Commissioner states that, “data protection and freedom of information are still sometimes seen as novel, controversial and threatening concepts. They will assume concrete shape in many unexpected ways.

The complex and over-prescriptive legal framework does not help.

“It is not realistic to expect changes to the Data Protection Directive or the 1998 Act in the short term, but I am launching a project to identify the scope for simplifying data protection compliance, without damaging effectiveness. I want to explore, in particular, what might be put in place swiftly through secondary legislation or

changes of enforcement policy.”

Elsewhere in the Report, the Commissioner also indicates an increasingly tough stance for certain types of data protection breaches.

For the commercial sector, he has stated that he will not tolerate excessive data sharing and intrusive marketing campaigns under the guise of better customer service.

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