



Privacy & Data Protection

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Durant alleges human rights breach

Having exhausted his avenues of complaint in the UK, Michael Durant is now taking his grievance against Barclays Bank and the Financial Services Authority to the European Court of Human Rights ('ECHR').

Following his defeat in the UK Court of Appeal and the denial of a hearing in the House of Lords, Bindman & Partners, Mr Durant's new law firm, are seeking redress in human rights law.

Article 8 of the European Convention on Human Rights renders unlawful any unjustified interference with a person's "private and family life,

his home and his correspondence."

Mr Durant is hoping that the alleged failure of Barclays and the FSA to provide him with copies of documents they hold on him amounts to a breach of his privacy right under the Convention. His action in the ECHR is against the UK for failing to apply national law so as to afford him adequate privacy protection under the Convention.

Most experts agree that the Court of Appeal decision in *Durant v Financial Services Authority* (2003) was wrongly decided on the key issues of the definitions of 'personal

data' and 'relevant filing system.'

Tamsin Allen, Partner at Bindman & Partners, told *Privacy & Data Protection* that, "It is clear that the storage of personal information is within the remit of Article 8 [of the European Convention of Human Rights]. Indeed, the mere storage of information by a public authority amounts to an interference with the Article 8 privacy right. That interference must be justified in order to be lawful."

This will be the first occasion on which the ECHR will have looked at the definition of 'personal
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Brown hails biometric world

Gordon Brown, the UK Chancellor of the Exchequer, has made it clear that he is personally committed to biometrics as a means to determine identity.

In a speech on 13th February, the Chancellor firmly stated that biometrics are the only satisfactory method of defeating terrorism and organised crime.

He said, "today Californian supermarket shoppers are paying with a finger-scan at the checkout and Japanese

cash machines are asking for a finger-scan rather than a PIN. The reason is simple; they are more secure against fraud and theft.

"And with passports now requiring biometrics, a necessity people understand, 80 per cent of the adult population will have to register their biometrics to ensure our borders are secure and so they can travel freely across the world."

He also used Bill Gates'

prediction that by 2010 people will use biometrics to access computer services "through a fingerprint touch of a screen anywhere in the world," to bolster his position

The Chancellor added that, in addition to the Data Protection Act, the national ID database will be safeguarded by a new independent commissioner.

"An independent commissioner should have over-
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