

Privacy & Data Protection

Volume 9, Issue 1

October/November 2008

Headlines:

- Binding Corporate Rules — mutual recognition, p.13
- WiFi no longer secure, p.13
- Orgy goes to Strasbourg, p.15
- US plough ahead with Sat-Surveillance despite privacy issues, p.16

Inside this issue:

Editorial	2
Dealing with staff data breaches	3
The T5 fiasco — what does it tell us about the future of biometrics and data protection?	6
How to combat identity theft in the corporate world — an essential guide	8
The Commissioner's keynote speech — highlights	12
News & Views	13

Wider access to health data

The UK government is considering giving private companies access to a computer database containing the records of all NHS patients.

When the plans are implemented, private companies will be able to use the information to advance their medical research, or to assist them in their commercial dealings with the NHS.

The Government public consultation on the secondary uses of NHS data has been outsourced to private company Tribal, which is contractually engaged to organise the planning of NHS services.

The Information Commissioner's Office told *Privacy*

& Data Protection:

"The ICO has worked closely with Connecting for Health to provide advice on ensuring that the NHS Spine and its Secondary Uses Service complies with the principles of the Data Protection Act.

"Where patient identifiable data is to be used for the purpose of medical research, patient consent should be obtained where possible before the data is transferred.

"In cases where obtaining consent is not possible and where anonymised information will not suffice, the Health and Social Care Act permits the common law duty of confidentiality to be set aside, subject to

approval by the Patient Information Advisory Group (PIAG). PIAG was set up to judge whether the use of identifiable data is in the public interest and will only do so on the provision of justifiable reason.

"Following its transfer, this data must be processed in line with requirements under the Data Protection Act. This includes ensuring the information is held securely and that it is kept accurate and up-to-date."

Connecting for Health was identified as a 'hot topic' at the Commissioner's keynote speech at the 7th Annual Data Protection Conference in London (see page 12).

Working Party aggrieved over Google's frugal privacy measures

Despite concessions Google made early in September over its retention logs, the Article 29 Working Party has said that Google is refusing to submit to Europe's data protection regime, and that strong disagreements remain.

In September, Google countered widespread privacy concerns about its new browser Google Chrome by saying that it would anonymise search engine data after nine months — down 50% from the previous length

for retention. However, the reduction only represents a move towards a recommendation made by the Working Party.

In September, the company also added a link to a privacy policy on its homepage.

Despite the measures, the Working Party has criticised Google for its failure to improve anonymisation techniques, which are, according to the Party, currently insufficient.

Further, the Party has taken issue with the fact that Google considers IP addresses to be 'confidential', but not 'personal' data, meaning the company is not affording IP addresses with the requisite protection.

As part of the response in September, questions were raised over the applicability of EU legislation to Google, because of the company's status as 'processor' rather than 'controller'.

(Continued on page 13)