

Privacy & Data Protection

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Headlines

- FT pulls app following customer data dispute p.22
- ICO publishes first private sector audits, p.23
- Belgium simplifies BCRs procedure, p.24

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Online behavioural advertising framework lambasted

The Article 29 Working Party has written to the Internet Advertising Bureau and the European Advertising Standards Alliance expressing fundamental concerns about the EASA's industry-wide, self regulatory standard for online behavioural advertising.

The 'Best Practice Recommendation on Online Behavioural Advertising' was drafted following the adoption of the revised e-Privacy Directive (2009/136/EC) in 2009. Published in April 2011, the Recommendation is being rolled out via national industry associa-

tions and self-regulatory organisations. Pivotal amongst the Working Party's concerns is that although the Recommendation gives users the opportunity to object to being tracked for the purpose of behavioural advertising, tracking and serving adverts takes place *unless* people exercise the objection.

The Working Party's letter said that "while this mechanism is welcome and constitutes an improvement to the current situation, it does not meet the requirement to obtain informed consent." The Working Party's key

criticism focuses on the fact that individuals are given the opportunity to object to tracking, but are not required to provide their prior, informed consent. It considers that the mechanisms proposed in the framework do not permit a 'clear indication of a user's wishes', leading to consent which, in the view of the Working Party, will be merely 'illusory'.

In the same letter, the Working Party also expressed reservations about the online advertising industry's version of a 'do-not-track' mechanism, *(Continued on page 22)*

Record number gain data protection qualification

A record number of people have achieved the status of qualified Data Protection Practitioner.

The Practitioner Certificate in Data Protection, the UK qualification for those that work in the field of data protection, was awarded to successful candidates in July.

David Smith, the Deputy Information Commissioner, said, "It is encouraging to see more and more

data protection professionals gaining a suitable professional qualification. The increasing professionalism of data protection can only be good news if businesses are to live up to their responsibility for collecting and using personal information responsibly, securely and fairly."

Candidates on the Practitioner Certification in Data Protection Programme are required to

undertake 5 days of face-to-face training and some home study. They must also pass the examination, which is held each June and December. Details of the Programme can be found online at www.dataprotectionqualification.com.

Pamela Forde of the Royal College of Physicians, one of the successful candidates, said, "I am very pleased to have *(Continued on page 66)*