



Privacy & Data Protection

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Headlines:

- New Opinion on online behavioural advertising, p.17
- French DPA indicates sensitive data was caught by Wifi, p.18
- Twitter settles first of its kind case with FTC, p.19
- Commissioner writes to Unite over data protection registration, p.20

Inside this issue:

Editorial	2
Help! I'm being investigated by the ICO	3
Interview with Jonathan Bamford	6
Data protection considerations in company liquidation	8
Data protection: back to basics — Part 7	11
Ireland's moves towards mandatory breach reporting	14
News & Views	17

ICO remains unimpressed with NHS privacy practices

The Information Commissioner's Office (ICO) continues to be concerned about data security practices in NHS organisations, after two further data breaches.

The two Trusts, NHS Stoke-on-Trent and Basingstoke and North Hampshire NHS Foundation Trust, have signed formal Undertakings with the ICO following the breaches.

NHS Stoke-on-Trent lost 2,000 paper physiotherapy records on its own premises. An NHS Stoke on Trent spokesperson told *Privacy & Data Protection*

that discovery of the incident was made through the process of improving information security systems. According to the spokesperson, "an investigation identified measures which have been implemented to minimise any risk of data loss. The investigation also showed that the records may have been destroyed. The Information Commissioners Office is satisfied with the processes we have put in place and have accepted the Undertaking without enforcement."

At Basingstoke and North Hampshire NHS Trust, an

excel spreadsheet containing 917 patients' pathology results was emailed via an unsecure address to another department. The spreadsheet was not password protected, and the receiving department had no business need to have access to the excessive amount of clinical records.

In signing the Undertakings, the Chief Executives at both of the Trusts have agreed to ensure that all staff will be made aware of the organisations' policies for the retention and use of personal data, and receive training on how to follow the policies.

(Continued on page 17)

European Commission instructs UK to strengthen ICO's powers

The European Commission has requested the UK to strengthen the powers of its Data Protection Authority so that it complies with the EU's Data Protection Directive.

The request, formally the 'reasoned opinion', represents the second stage of the EU's infringement procedures against the UK which began with BT's trials of Phorm (web advertising technology) in 2008. The case concerns the UK's implementation

of the Data Protection Directive (95/46/EC) both in UK law (via the Data Protection Act 1998) and its application by UK courts.

According to the Commission's press release, it has worked with UK authorities to resolve a number of issues, but several remain. A Commission spokesperson said "EU rules require that the work of data protection authorities must not

be unbalanced by the slightest hint of legal ambiguity.

"I urge the UK to change its rules swiftly so that the data protection authority is able to perform its duties with absolute clarity about the rules. Having a watchdog with insufficient powers is like keeping your guard dog tied up in the basement."

The Commission states that there is a shortfall in

(Continued on page 17)