

Privacy & Data Protection

Volume 12, Issue 4

March 2012

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Obama Bill proposes privacy by 'voluntary agreement'

The Obama administration has unveiled a proposal for a Consumer Privacy Bill of Rights taking a markedly different approach to data protection regulation than that of the EU Commission.

The primary aim of the new Bill is to give consumers greater online privacy protection which, on the face of it, represents a narrowing of the gap between the US and EU culture on privacy. However, the US proposal calls for a series of voluntary agreements, to be hammered out in negotiations between consumer groups and online adver-

tisers, that would shape how personal data are collected, protected and used. This 'voluntary' approach to online privacy protection is at odds with the more rigid 'compulsory' approach built in to both existing EU legislation and the proposed Data Protection Regulation.

Following the announcement of the proposal, the Digital Advertising Alliance, which represents companies including Google, Microsoft and Yahoo!, said that it supported the establishment of voluntary guidelines. The body of industry rep-

resentatives said it expects to have a system in place within nine months, under which advertisers would adhere to consumers' requests not to be served targeted adverts based on their behaviour online. Advertisers would still be permitted to collect behavioural data and to use it for a variety of other purposes.

There is speculation in some quarters that the support from the US technology giants is designed to undermine efforts of EU lawmakers to introduce more stringent safeguards for online consum-

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UK wants in on PNR data sharing

The UK has opted in to the EU's agreement with the US over the exchange of airline passenger information, despite serious concerns about the agreement previously raised by the Article 29 Working Party and the European Data Protection Supervisor.

The agreement, which was announced by the EU in November 2011, allows airline carriers flying from the EU into the US to

share Passenger Name Records (or PNR) data about all passengers with the US Department of Homeland Security. The US Department is obliged to share PNR data and any analytical information it obtains from it with EU law enforcement and judicial authorities for the same purposes.

The main purpose of the data transfer is the "prevention, detection,

investigation and prosecution of terrorism and certain transnational crimes."

However, under the terms of the existing agreement, PNR data can also be used "on a case-by-case basis for the protection of vital interests of passengers, for example to protect against communicable diseases, or if ordered by a US court".

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