



Privacy & Data Protection

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- Delays to Freedom of Information implementation, p16
- P3P—can Bill Gates protect our privacy?, p16

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European Parliament votes to ban the use of Cookies

On November 13th the Euro Parliament voted to outlaw the use of cookies and other invasive devices without the consent of a user.

The vote was taken as part of the new measures that are to form part of the Electronic Communications Directive, due to be adopted in the Spring of 2002.

The draft legislation has triggered concern in Europe's Internet advertising community. The Interactive Advertising Bureau said British companies could lose

£187 million (US\$271 million) if the directive is ratified.

Amongst other measures, the new proposal will ban the use of all devices that enter a user's equipment for the purpose of finding hidden information or tracing the activities of the user without explicit consent. Companies operating e-commerce websites will therefore be breaking the law if they install a cookie on a user's machine without first obtaining that user's explicit consent.

E-Commerce legal

expert, Ruth Boardman, of Bird & Bird, said, "The current proposal requiring approval for all uses of cookies is probably too protective of consumers. It will hinder bona fide practices, such as customizing sites and banner-ads and use of online 'shopping baskets.' However the on-line advertisers' hopes of persuading the European Parliament to abandon the proposal are unrealistic. The surreptitious collection of non-obvious information on-line is a consumer bug-bear and should be addressed."

Electoral Register—sale of data illegal

A court has ruled that individuals have the right to prevent their information held on the electoral role being used for commercial purposes.

The decision, which will be a substantial blow for local authorities, stipulates that the transfer of electoral role information to third parties can breach the Human Rights Act.

The case was brought by Brian Robertson of Pontefract, following a request that he had made of

his local authority to cease making his data available to credit reference agencies and direct marketing companies. When Wakefield City Council turned down the request, Mr Robertson refused to make his data available and consequently lost his right to vote in the last General Election.

On Friday, 16th November, in the High Court, Mr Justice Maurice Kay decided that the Council's refusal to comply with Mr Robertson's

request amounted not only to a breach of his human rights but also an unjustified restriction on his right to vote.

Andrew Lockley, a partner at Irwin Mitchell, who represented Mr Robertson, said that he expected the ruling to result in changes in legislation that would allow voters to tick a box on their electoral registration form allowing them to have their names excluded from copies of the register sold for commercial purposes.