



Privacy & Data Protection

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Headlines:

- A Data Protection Commissioner for Europe, p.15
- DMA's website confusing, p.15
- EU agrees telecoms package, p.15

Inside this issue:

Spamming Regulation	3
Personal Data as Currency	7
Model Contracts with Data Processors	10
The US Patriot Act	12
US Privacy News	14
News & Views	15

Website investigation shocks companies into compliance

The investigation by the Information Commissioner into all UK company websites has scared companies into reviewing their online activities.

The announcement of the investigation (reported in *Privacy & Data Protection*, Volume 2, Issue 3) has resulted in a significant rise in the legal advice being sought by UK companies on website compliance issues.

Leading E-Privacy lawyer, Eduardo Ustaran of Berwin Leighton

The television presenter, Jamie Theakston, was granted an injunction preventing the *Sunday People* publishing photographs of him with a prostitute in a Mayfair brothel.

However, the application for a similar injunction preventing publication of the story of the brothel incident, was refused.

On 14th February, Mr Justice Ouseley gave the reasoning behind his

Paisner, said, "Given the importance of privacy rights in such an interactive environment as the Internet, the prospect of a big scale web site sweep by the data protection regulator has been looming for months.

"The Information Commissioner had made it clear on a number of occasions that e-privacy was going to become a top priority. That moment has now arrived."

Ian Bourne, the manager at the Commissioner's office in charge of the

project stated that the investigation will probe deeper than merely checking for a 'glossy data protection statement' on a website: "researchers will use telephone and face-to-face interviews, backing up their interviews with mystery shopper techniques, rather than take what the sites say at face value," he said.

The investigation, being conducted by UMIST on behalf of the Commissioner, will report in May and is expected to result in substantial enforcement action.

Injunction granted to prevent publication of brothel photographs

decisions in respect of the injunctions.

Having substantial regard to dicta of the Court of Appeal judges in *Douglas v Hello! Ltd* (2000)—see *Privacy & Data Protection*, Volume 1, Issue 3, page 8 for a full analysis of this case—the judge stated that he did not consider the activities that take place in a brothel to be of a confidential nature. Further, he stated that, for the purposes of the

Press Complaints Commission Code of Practice, "I do not consider [a] brothel to be a private place."

Chris Hutchings, privacy lawyer, and partner at Charles Russell, said "The ruling in Theakston is of great significance since it indicates an increasingly cautious attitude on the part of the courts when considering whether to grant injunctions where there

(Continued on page 15)