



Privacy & Data Protection

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Political furore over new email monitoring code

The new Monitoring at Work Code will dramatically restrict the right of employers to check up on their employees' activities at work. The new draft is the second in a series of four codes designed to help employers comply with their obligations under the Data Protection Act.

As part of substantial criticism of the codes by employers' organisations, the Information Commissioner, Elizabeth France, has received a sharply worded letter from David Arculus, head of the Better Regulation Task Force. In the letter, he

describes the code as "far too long" and says that "few employers want to break the law, but by producing such lengthy documents, many will be in danger of doing just that because they do not have the time to read all the Codes."

In defence of her 200-page code the Commissioner said, "The law is there—I don't make it. [It is] good regulatory practice to tell those I regulate how to understand the law.

"Even if I was to say to you today, 'OK, I fall over, I'm not going to issue the code, you win,' its not go-

ing to alter anything."

The monitoring code, now in its third draft and due to be published in mid-June, states that employees' telephone calls should not be recorded and that employees have a right to personal emails at work. This stance is strongly supported by the Trades Union Congress, which argues that "good employers have nothing to fear" from the code and that it can make sound business sense to allow employees unmonitored access to private phone calls and emails.

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New regulations on electoral role data spell doom for marketers

New Regulations, published on 13th May, create two versions of the electoral register for the first time. Voters will now be able to refuse to allow their details to be used by marketers.

The draft Regulations were desperately needed to clarify a rift in the law, following a case brought by Brian Robertson against Wakefield Council last year (see Volume 2, Issue 3, page 8). The Regulations create two versions

of the electoral register—a full version and an edited version.

Voters' details on the full version may be used only for electoral purposes, investigation of crime and for credit checks—giving the credit industry a welcome sigh of relief following recent reliance by them on old data during the uncertainty of the last few months.

Information on the edited version of the register

may be used by commercial organisations for 'any purposes'—it is this edited version from which individuals may now remove their details.

The draft Representation of the People (England and Wales) (Amendment) Regulations 2002, containing the new rules, have been made under the Representation of the People Act 1983.

The majority of the new

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