



Privacy & Data Protection

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New Euro data retention rules imminent

A leaked framework decision from the European Council has revealed that the EU is planning to require Euro states to adopt sweeping data retention regimes on all forms of communications, including telephone calls, mobile calls, email, faxes, and Internet browsing.

Article 2 of the draft decision states that, "Member States shall take adequate measures to allow the authorities responsible for criminal investigations and prosecutions to have access to the traffic data needed to accomplish their task." Traffic data include the

source, time and duration of any communication as well as the personal details of the subscriber to the relevant equipment.

The list of over 30 crimes specified in the draft legislation as being relevant for the new data retention obligations include terrorism, trafficking in human beings, sexual exploitation of children, illicit trade in human organs and tissue and counterfeiting of the euro.

Kate Brimsted of city law firm Herbert Smith states, "The debate over the tensions between combating crime and

privacy continues. The authorities responsible for investigating and preventing crime already have extensive powers to monitor and intercept communications under legislation such as the Regulation of Investigatory Powers Act 2000, which has been reinforced following 9/11. Recent draft regulations under this Act (which would have extended retention powers to local authorities amongst others) were widely met with an outcry and were dropped by the Government.

"These proposals from the

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Employee survey—dramatic increase in access requests likely

A recent MORI survey reveals significant discrepancies between the way employees expect their data to be used in the workplace and actual employer practice. It also shows a huge leap in the awareness of employees of their rights under data protection legislation.

The survey, commissioned by city law firm Taylor Joynson Garrett, found that 84% of employees believe that they should have access to confidential in-

formation about themselves held by employers.

Of the 886 working employees, 49% revealed that they would request access to data held by their employer in the event of "difficulties at work."

Daniel Pavin, IT lawyer at Taylor Joynson Garrett said, "The survey findings should stand as a warning to all employers. We are seeing employees being increas-

ingly sophisticated in exercising their rights of access to personal data and are not afraid to use them to full effect."

The main types of information to which employees believe they should receive access are financial records (70%), appraisals (81%), memos and correspondence between managers in the business concerning them (73%), sickness records

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