



# Privacy & Data Protection

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- Review of subject access right, p.15
- Princess Diana death—further privacy trial, p.15
- Argentina declared safe for data exports, p.16

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## Naomi Campbell takes *Mirror* to highest court

Following her recent defeat in the Court of Appeal, supermodel Naomi Campbell is to continue her fight with the *Mirror* by appealing her case to the House of Lords.

In its first judicial pronouncement on the Data Protection Act, the Court of Appeal dramatically reversed the decision of the High Court to award Naomi Campbell compensation as a result of the publication of photographs of her leaving a 'narcotics anonymous' meeting.

In his 14th October judgment in favour of Piers Morgan's *Mirror*, Lord Phillips MR described the

Data Protection Act as "a cumbersome and inelegant piece of legislation." In tipping the legal position on privacy in the UK further in favour of the press, he stated that, "The speed with which [newspaper publishing] operations have to be carried out if a newspaper is to publish news renders it impractical to comply with many of the data processing principles and the conditions in Schedules 2 and 3, including the requirement that the data subject has given his consent to the processing."

Although the judgment appears to have prioritised press freedom at the cost

of personal privacy, many commentators state that the decision reflects a common sense approach.

Chris Hutchings, partner and media expert at city firm, Charles Russell, said of the Court of Appeal judgment, "The result was welcome, clarifying the Court's position and showing that the public interest in exposing inconsistencies on the part of those in the public eye will be able to overcome confidentiality arguments put forward by such individuals.

"The Court also recognised the difficulty of using breach of confidence as a

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## US pleads for softer European Union data protection laws

An alliance of US companies has urged the European Commission to simplify and harmonize its data protection laws, which it says are damaging for global businesses.

In a position paper submitted to the European Commission, the Global Privacy Alliance, which includes IBM, General Motors and Oracle, set out its arguments for a relaxation of the Data Protection Directive.

The Alliance is concerned that too much emphasis has been placed on protecting

individual privacy, inhibiting the free flow of information between companies, and suggests four changes to redress this imbalance:

- 1) Simplify the cross-border flow of information, possibly through industry self-regulation and codes of conduct.
- 2) Harmonize EU privacy legislation among Member States.
- 3) Permit data transfer between affiliate companies in certain circumstances.

4) Exclude business contact data from privacy laws.

"To further the goal of protecting privacy without undue burden and cost, the Alliance believes that the Directive and Member State implementations need to be simplified and Member State national laws made more consistent with each other," the submission said.

It also argued that "a simpler approach would allow data protection authorities to focus on real threats to

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