



Privacy & Data Protection

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Headlines:

- New research criticises websites, p.14
- Rugby Football Union makes spamming easy, p.15
- Privacy campaigners attack passenger data transfers to US, p.16

Inside this issue:

The Offence in Section 55 DPA	3
RFID—Data Protection implications	6
The Proceeds of Crime Act 2002	8
Book Review	11
US Privacy Law	12
News & Views	14

EU Data Law—on track, but needs beefed-up enforcement regimes

The 1995 Data Protection Directive has broadly achieved its aim of ensuring strong protection for privacy while making it easier for personal data to be moved around the EU, according to a European Commission report published on May 16th.

However, late implementation by Member States and differences in the ways the Directive is applied at national level have prevented Europe's economy from getting the full benefit of the Directive.

The European Commission will now commence work on ensuring that

Member States implement and enforce the legislation in a uniform way. It will then begin a full-scale review of the legislation in 2005.

Singling out France for harsh criticism, Internal Market Commissioner Frits Bolkestein said, "European citizens have a right to privacy. This report shows that the Data Protection Directive has helped make sure that they can enjoy that right in practice. Equally, without free movement of data across borders, Europe's economy cannot work properly. I am pleased that most businesses seem to appreciate that the

Directive has made it easier to move data around and that maintaining the free movement of data depends on their meeting their data protection obligations. But EU law can only work if Member States implement it on time, so I deplore the long delays in many Member States. France still has not implemented the Directive. It must rectify that urgently."

The report expresses particular concern over the following:

- insufficient levels of awareness and compliance with the legislation

(Continued on page 14)

Citibank—breach of data protection law?

Customers of Citibank have received a letter from the Sales and Marketing Director which is likely to lead the multi-national bank into a breach of data protection law. The letter makes it clear that customers who may have previously opted-out of receiving direct marketing materials will, in the future, be targeted with further marketing materials, unless they send back a form to the bank which indicates their intention to opt-out.

David Palmer's letter, dated 'May 2003' and

headed up, "Welcome to the new Strand branch," contains the following paragraphs:

"Our records indicate that you are outside our normal communications programme which informs customers of new product information or of special offers that may be relevant to them. As such, we'd like to provide this opportunity for you to reconsider your interest in receiving this important information about Citibank products and services.

If you do not wish to receive any product and service information in the future, please return the attached form to us in the prepaid envelope by June 20th, 2003. If we do not hear from you, we will ensure that you receive future communications on how to make the most of your Citibank relationship."

The Information Commissioner has made it clear, in guidance on the Data Protection Act 1998, that silence can never amount to consent for the pur-

(Continued on page 14)