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ISSN 1473-3498

Privacy & Data Protection

Volume 5, Issue 1

October / November 2004

‘Surveillance society’ looming

The UK government’s £3 billion plan for ID cards faces renewed assault from Britain’s data protection regulator who dubbed the scheme “unacceptable.”

Information Commissioner, Richard Thomas, said that David Blunkett’s proposals would deny the public the right to access a national database. Mr Thomas also attacked the fact that a new law would not be needed in order to switch the ID cards from a voluntary to a compulsory scheme.

Britain’s information watchdog has warned that the country risks “sleepwalking into a surveillance society” because of government plans for identity cards and a population register.

Mr Thomas singles out three related projects that he believes are of particular concern. They are David Blunkett’s identity card scheme; a separate population register planned by the Office for National Statistics; and proposals for a database of every child from birth to the age of 18.

He says, “My anxiety is that we don’t sleepwalk into a surveillance society where much more information is collected about people, accessible to far more people shared across many more boundaries than British society would feel comfortable with.”

One of the Data Protection Principles enshrined in European data protection law is that organisations should not collect more information on people than is necessary for a particular purpose. Mr Thomas has indicated that the UK government is likely to fall foul of this principle if it goes ahead with recently announced plans.

Mr Thomas highlights his concerns by pointing to the former communist regimes in Eastern Europe and Franco’s Spain which both collected huge amounts of information about citizens. “I don't want to start talking paranoia language, but … some of my counterparts in Eastern Europe and Spain have experienced in the last century what can happen when government gets too powerful and has too much information on citizens—when everyone

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Data protection law—France finally catches up with Europe

The European Data Protection Directive (95/46/EC) has finally been implemented into French national law, by way of as substantial update to the Computing and Liberties Act.

France was the only EU Member State to have not implemented the Directive—the Commission had previously commenced enforcement action against the country.

Businesses who operate in France should take urgent steps to check if they are compliant with new French data protection law, parts of which came into force on 7th August 2004.

Under the new law, the following types of processing must be authorised in advance by the French data protection authority, the National Computing and Liberties Commission (‘CNIL’): processing of sensitive personal data; use of automated processing techniques (where people may be excluded from the advantages of a right, a benefit or a contract); automated interconnection of separate databases; use of biometric identifiers; and transfers of personal data outside the EU.

This authorisation must be expressly granted and a lack of response from the CNIL in the two months following the filing of the application must be taken to denote a refusal.

The French notification (‘declaration’) system has also been beefed up. However, the new law does leave the possibility to simplify the procedures as regards certain types of processing, by allowing simplified declarations and even some ex-

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