



Privacy & Data Protection

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Medical data and information on children—key future issues

Medical information and the use of children's data are key issues that will be targeted for enforcement in Member States.

The European Commission's Article 29 Working Party—the body set up under the Data Protection Directive to analyse key issues and report back to the Commission—has published its work schedule for 2006/7.

The document reveals the current thinking of the Commission and the Member States' regulators (each regulator is represented on the Working Party) and is an invaluable

insight for companies developing their future strategic compliance activities.

The Commission will continue its investigation into the private health insurance sector and will provide key interpretative guidance on the Directive's restrictions on processing medical data.

It will also clarify the existence and exercise of the rights of children under the Directive.

Other areas targeted for the Working Party's attention in the coming months are:

- interpretation of the definitions of 'personal data' and 'consent';
- the impact of Radio Frequency Identification (RFID) on privacy in Europe;
- identity management in the context of eGovernment (PINs and biometrics);
- archives and privacy (preservation and access);
- international transfers to third countries;
- interpretation and

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Johnson—failure to get compensation at trial

David Johnson has failed to get compensation from the Medical Defence Union for unfair processing of his personal data.

Mr Johnson, a consultant orthopaedic surgeon, had been a member of the MDU for some 21 years. In March 2002, the MDU wrote to Mr Johnson indicating that it would not be renewing his membership. The case against the MDU has been largely aimed at getting to the bottom of the reasons for that decision. Mr Johnson also

sought compensation for unfair processing

Ashley Roughton, Mr Johnson's barrister, told *Privacy & Data Protection*, "The decision in *Johnson* is interesting in that it decides for the first time under the 1998 Act, and in some depth, what is to be expected from organisations which are charged with a duty to process data fairly.

"In this case the Judge held that where a company adopted a policy

relating to the assessment of risk, then it was not for the court to assess how fair that policy was, but rather what the 1998 Act required was that once the policy was adopted then data were to be processed fairly in accordance with that policy."

Although the judge did find that certain processing that had been undertaken by the MDU was unfair due to the lack of a fair collection notice, it was found that Mr John-

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