



# Privacy & Data Protection

Volume 6, Issue 8

September 2006

## Headlines:

- AT&T security breach, p 14
- Child pornography amendment, p.14
- NatWest—inadequate data disposal, p.15
- AOL publishes personal searches, p.15

## Inside this issue:

Editorial	2
The risks of Wi-Fi—Part II	3
The role of the data sub-processor	6
Data protection and TUPE 2006—what is the state of the law in the UK	9
News & Views	14

## CIA unlawfully probes EU citizens' banking transactions

Following reports in the American press that the Society for Worldwide Interbank Financial Telecommunications ('Swift') has been passing details of millions of banking transactions to the CIA to assist in their anti-terrorist investigations, the European Parliament has called on all Member States and their local data protection authorities to assist in its investigation of this possible violation of the data protection regime.

Swift, based in Belgium, is a co-operative of more than 8,000 commercial banks and institutions in 200 countries, and it manages

international transfers on behalf of the world's banks.

The Swift system generates millions of banking transactions and transfers every day. The US administration's 'Terrorist Finance Tracking Program' allows access to all of the financial data stored by Swift, which includes the personal banking records of hundreds of thousands of EU citizens.

Although the purposes for which the US program has been established are no doubt important in the fight against global terrorism, privacy experts are concerned that measures

should be proportionate and in accordance with the rule of law.

Data protection expert Ayesha Bramwell, of Shepherd+ Wedderburn, told *Privacy & Data Protection* that, "the concern for the banks is that if these disclosures by Swift have not been specifically authorised by the Secretary of State or the Information Commissioner, then it is the banks, as data controllers in respect of these data, that will be in breach of the law."

Several EU data protection authorities are now  
*(Continued on page 14)*

## UK government to press ahead with data sharing

The UK Government is apparently preparing to overturn a fundamental principle of data protection in government. It is expected to announce in September that public bodies can assume they are free to share citizens' personal data with other arms of the state, so long as it is in the public interest.

The policy was agreed upon by a cabinet committee set up by the Prime Minister, and reverses the current default position—which requires public bodies to find a legal justification each

time they want to share data about individuals.

The officials behind the 'transformational government' scheme say data sharing could present a more consumer-friendly face to government, and help tackle social problems such as prisoners re-offending. Examples cited of the benefits of the new scheme include that, when moving house, a citizen would register the change online once with their local authority's 'one stop shop.' The local authority would update its own records,

that of the new local authority, and then of central government, including the electoral register, DVLA and Inland Revenue.

Similarly, on completing a prison sentence, an ex-offender's details would be available to probation officers, local authority social services and the employment service, reducing the risk of people with criminal records disappearing from records and re-offending.

Simon Davies of Privacy International, described the  
*(Continued on page 14)*