



Privacy & Data Protection

Volume 8, Issue 3

January / February 2008

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- ASBOs protected by DPA, p.16
- British drivers' details lost in the US, p.17
- Microsoft's Big Brother software patent pending, p.18
- DP Commissioner suspends legal action against BSkyB, p.19

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Justice Committee reports on Commissioner's powers

Recklessly or repeatedly mishandling personal information should become a criminal offence, a committee of MPs has urged in the wake of last year's child benefit data loss.

The House of Commons Justice Committee has published its findings in a report, *The Protection of Private Data* (1), which called for increased powers for Richard Thomas, the UK Information Commissioner.

The report, compiled with assistance from the Information Commissioner, sets out clear recommendations to prevent data

losses in the future, including the suggestion that major security breaches should be made criminal offences.

The report follows the loss of data by HMRC last year and concluded that there is a widespread problem within the government's data protection systems. It continues that a balance must be struck between exchanging information between government departments and the protection of personal data.

The review acknowledges the need for strengthening the Information Commis-

sioner's powers; an obligation to notify those affected by security breaches; significant security breaches to become a criminal offence; and providing the Information Commissioner's Office with enough funds to carry out its legislated tasks.

The Committee also supported the Prime Minister's decision in November to allow the Commissioner the power to spot-check government departments without having to get their consent first.

The loss of data by HMRC
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Carphone Warehouse issued with ICO Enforcement Notice

The Information Commissioner's Office has issued Enforcement Notices on Carphone Warehouse, and its sister company TalkTalk, after investigations into complaints about the way they processed and stored personal information.

Security breaches allowed customers to view the online account details of other customers. In some cases, private data were sent by email to other customers. The ICO also

found Carphone Warehouse and TalkTalk had set up new accounts using incorrect names, addresses or bank details. In some cases the incorrect details came from old contracts or purchase data.

The companies were also slammed by the ICO for not responding to requests by individuals for information held about them, and passing inaccurate information on to credit reference agencies

and debt collection agencies.

Mick Gorrill, Assistant Commissioner at the ICO, said, "Carphone Warehouse and TalkTalk's use of inaccurate and incorrect personal data has caused real damage and distress to customers. We have now ordered them to take the necessary steps to ensure customers' personal information is sufficiently protected."

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