



Privacy & Data Protection

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- An Annual Report and a birthday, p.17
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- UK on verge of de facto privacy law?, p.18

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Lords deliver long-awaited judgment in CSA v SIC case

The House of Lords has held, in *Common Services Agency v Scottish Information Commissioner*, that information concerning the incidence of childhood leukaemia in a particular postal area was personal information and should not be disclosed unless it could be sufficiently anonymised.

The Lords conducted a two-day hearing in April on a case that saw the right of access prescribed by the Scottish Freedom of Information Act ('FOISA') directly conflict with protections afforded by the Data Protection Act in respect of data that qualify as 'personal.'

Scottish Parliamentary researcher Michael Collie had asked the CSA to provide him with "details of all incidents of leukaemia for both sexes in the age range 0–14 by year from 1990–2003 for all the Dumfries and Galloway ('DG') postal area by census ward."

Following extensive arguments all the way up through the court system, the Lords have now decided that the information was counted as personal data and should not be released, marking a departure from the decision arrived at by the Scottish Information Commissioner ('SIC.')

The SIC had previously authorised the release of the information in a 'barnardised' form. 'Barnardisation' is the name of the method designed by statistician Professor George Barnard that helps to disguise people's identities when cells of information contain numbers low enough to be capable of identifying individuals.

The Lords, while sympathetic to the difficulties presented by the request to the SIC, ruled that the SIC did not ask himself whether the data, even in its barnardised form, would still qualify as

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Security reports Poynt finger of blame

The Government has received damning reports on the security of its information systems.

One of the reports, by Kieran Poynter, Chairman and Senior Partner of PricewaterhouseCoopers LLP, looked into the facts surrounding Her Majesty's Revenue & Customs' (HMRC) loss of child benefits data on 25 million individuals last October.

The Poynter Report is in two parts. The first part explores why the HMRC lost the two discs, whilst

the second part explores the remedial actions that need to be carried out at HMRC in order to restore public confidence.

The recommendations contained in the second part of Poynter's report appear to correspond with the forward looking recommendations of Cabinet Officer Gus O'Donnell's Data Handling Review, another of the key reports into the same incident.

O'Donnell's report sets out timescales for the implementation of

specific measures, such as the adoption of spot checks on data security. It applies to the public sector as a whole.

The Independent Police Complaints Commission investigated the series of events leading up to the loss of data, and considered whether any criminal conduct or disciplinary offences had been committed by HMRC staff. In its report, the IPCC said of the security systems that:

"there was a complete

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