



Privacy & Data Protection

Volume 9, Issue 4

March 2009

Headlines:

- PC passes force data to friend, p.17
- New survey says jobs at risk = data at risk, p.18
- Proper supervision needed for data mining, p.19
- Actor bedding models suspects unauthorised access, p.20

Inside this issue:

Editorial	2
How far are we protected from ourselves?	3
Power to fine research research — the results	8
Navigating the data breach minefield: strategies	11
Spam Asia — Part 1	15
News & Views	17

Data-sharing clause curbed

Following widespread criticism, UK Justice Secretary Jack Straw has indicated that the data sharing power proposed in the Coroners and Justice Bill will be watered down. The proposed data sharing power forms clause 152 of the draft Bill. As it currently stands, if the Bill is made law all Whitehall departments will have a fast track procedure for getting permission to share data without parliamentary debate.

Until now, under the Data Protection Act public bodies are not authorised to pass on personal data, or let information collected for one purpose be used for another, without fresh primary legislation.

Opponents of the Bill include Liberty, Genewatch, Patient Concern, and the Royal College of Psychiatrists. The British Medical Association is 'extremely concerned' about the erosion of trust between doctors and patients that it says would ensue if the Bill became law. According to Dr Hamish Meldrum, Chairman of the BMA "there appears to be no limit to what could be done with this information as long as the minister can make a vague justification."

Doctors fear that ministers may eventually use the power to make medical records available to vet recruits, or check on people seeking benefits.

Other concerns are linked to the potential for the bulk transfer of NHS medical files to the insurance industry; the disclosure of police intelligence data to private investigators; and the transfer of personal financial data to HM Revenue and Customs.

Other possibilities under the current Bill include the passing of vehicle insurance data from insurance companies to the Drivers & Vehicles Licensing Agency, the sharing of data between council tax records and national databases, and the disclosure of individual school and university academic records to funding authorities.

(Continued on page 17)

Lords warn of 'surveillance state'

As part of its recently published report 'Surveillance: Citizens and the State', a House of Lords Committee has reached the worrying conclusion that electronic surveillance and collection of personal data are 'pervasive' in the UK, and threaten to undermine democracy.

The areas of concern cited in the report are the UK's DNA database (the 'largest in the world'), and the growth — to an estimated 4 million — in the use of CCTV cameras, which is the highest density in Europe, according to

a 2004 European Commission report. The Lords make a total of 44 recommendations to designed to curb the levels of surveillance to which UK citizens are subject.

On the Information Commissioner's new power to spot check public sector organisations, the Lords recommend that the government reconsider not extended it to the private sector. On the new power to fine, the Lords want to see it in force "as soon as possible."

Another key recommendation is for increased flexibility to the inspection regimes of the Chief Surveillance Commissioner (currently Rt Hon Sir Christopher Rose) and the Interception of Communications Minister (Rt Hon Sir Paul Kennedy). The Lords want to see the latter publicize his role.

On surveillance, the Lords wish to see it mandatory for government departments to produce 'Privacy Impact Assessments' ahead of

(Continued on page 17)