

Data Protection Ireland

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Headlines:

- Autumn arrival for new travel card p.12
- New safeguards for archives data?, p.13
- Commissioner intervenes in dispute over famers' data, p.15
- No precedent for assignation, says Hawkes, p.15

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New code insures better protection for sensitive data

The Data Protection Commissioner, Billy Hawkes, has issued a new Code of Practice to improve the protection of sensitive customer data in the insurance sector.

The publication of the Code is part of an ongoing response to the discovery of regular misuse of personal data by employees at the Department of Social & Family Affairs ('DSFA'), and follows the Commissioner's audit of DSFA (see page 13).

The structure of the Code is based on the Eight Rules of Data Protection, of which the First Rule, to 'obtain and process fairly', is dealt with in substantial detail.

From now on, insurers must include on application forms, "a clear statement advising the applicant of the identity of the data controller."

Where the claimant is a third party, (and so would not have completed an application form), the notice must be provided "at a suitable point in the business process." The Code contains template wording for such notices.

The Code outlines a requirement for the insurers to obtain the 'express consent' of individuals' whose sensitive personal data is collected.

Further, the Code provides that, where a private investigator is instructed (a practice that was made high profile by the leaking of information by the DSFA), the insurer should "contractually engage the private investigator on the basis that [he or she] will comply with applicable Data Protection legislation."

The Appendix to the Code contains the typical terms that are to be included in such a contract.

The Code addresses the other seven Data Protection Rules with an equal level of zeal, and there is an extra section 9 dealing with 'Special Provisions relating to Genetic Test Results.'

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Six month storage for M50 car data

Drivers who use Dublin's M50 will have their personal data held on file for six months after their journey is made.

The vehicle details, including a picture of the car, its registration plate, and the time and date it was on the motorway, will be held on a computer system.

The National Roads Authority is arguing that this retention of data is necessary so it can be proved what vehicles were

on the road in cases where disputes arise over non-payment of the recently introduced barrier free toll.

It is understood that a credit card charge for non payment can be contested for 6 months, even though, according to practice, where a toll is not paid after two months it is sent to a debt-collection agency.

The Data Protection Commissioner wants

the information to be kept for a much shorter period. The Commissioner's Office has told *Data Protection Ireland* that Deputy Data Commissioner Gary Davis has been working with the NRA for over eight months to ensure that personal information would be treated in the strictest confidence. Mr Davis said that:

"We've had dealings with them on the operation of

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