

Data Protection Ireland

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New guidance on data breaches

The Data Protection Commissioner Billy Hawkes has issued interim guidance on how organisations should deal with a loss of personal data.

A working group established by the Minister for Justice, Equality and Law Reform is currently examining whether changes to Ireland's data protection law are necessary to deal with such data breaches.

The working group will report to the Minister over the coming months, and the guidance in the note represents 'best practice' in the meantime.

The guidance recommends the immediate reporting of

data breaches to the Office of the Data Protection Commissioner, either by phone or email. The Office of the Data Protection Commissioner will then decide whether to carry out an investigation. The guidance states that

"The investigation may include an on-site examination of systems and procedures and could lead to the use of the Commissioner's legal powers to compel certain actions.

"However, this is very much the exception and the experience to date suggests that investigations are conducted on

a co-operative basis with the entity keen to respond on a voluntary basis to any recommendations that we make."

In his Press Release, the Commissioner said: *"we recognise that mistakes do happen and it is vital that organisations are ready to react. That means having plans in place to trace and secure the data that has been compromised, to prevent further security breaches and to warn those affected by the data security breach."*

The guidance and Press Release are available on the Commissioner's website www.dataprotection.ie

EU launches privacy proceedings against UK

The European Commission has initiated proceedings against the UK to get the country to address problems with its implementation of Directive 2002/58/EC (the 'E-Privacy Directive').

The action follows the Commission's long-standing dialogue with UK authorities about British Telecom's secret trials of behavioural advertising service

Webwise (a service provided by US-based company Phorm).

BT trialled Phorm's Webwise during the summer of 2008. The system involves the collation of internet users' browsing habits, which are then used to target adverts. Phorm's clients include the UK's three largest internet service providers.

British advertisers have called upon the European Commission to cancel its legal challenge. The ISBA, a trade union for the advertisers, has said that concerns "can and should be addressed by the UK's successful system of advertising self-regulation." "We see little need for intervention" said David Ellison, ISBA's Marketing Services Manager.

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