

Data Protection Ireland

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- DPC launches Annual Report, p 14
- IP addresses are personal, says FTC Chairman, p.15
- Russian hacker selling Facebook accounts, p.15

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IP addresses not personal data, says judge

A High Court judge has ruled that the controversial 'three strikes' agreement between Eircom and four major record companies does not breach Irish data protection law because it does not involve the processing of personal data.

The High Court case came about after four major record labels, EMI, Sony BMG, Warner and Universal, joined and sued a number of ISPs including Eircom over the use by others of its services for illegal downloading. As part of an out of court settlement between Eircom and the music companies, Eircom

agreed to implement measures aimed at stopping illegal downloading, including disclosing the uploaders and downloaders' identities through their IP addresses. Ultimately the agreement would allow Eircom to cut off individuals if illegal downloading persisted.

The Data Protection Commissioner, whose advice was sought by the parties, raised three issues which made the deal problematic from a data protection perspective. Now, a High Court judge has effectively overridden the concerns, establishing a precedent for ISPs to cut off services to illegal downloaders who

fail to heed warnings. The outcome of the case hinged on the Court's decision that the information being processed did not count as 'personal data' because the record labels were not interested in the identities of people.

According to Mr Justice Charleton "*to be personal data, under the [Data Protection Acts 1988 and 2003], the information has to identify a living individual from the data or from data in conjunction with other information in the possession of the data controller, or from other information that is likely to come into the possession of the data*

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Hawkes joins nine others in anti Goggle stance

The Data Protection Commissioner, Billy Hawkes, has joined nine other data protection authorities in signing a letter asking Google to improve their privacy practices.

The Privacy Commissioner of Canada, Jennifer Stoddart, and the heads of the data protection authorities in Ireland, the UK, France, Germany, Israel, Italy, the Netherlands, New Zealand, and

Spain sent a letter to Chief Executive Officer, Eric Schmidt, as part of an unprecedented collaboration prompted by Google's "disappointing disregard for fundamental privacy norms and laws."

Controversy arose after Google launched its latest service, Google Buzz, in February. Buzz draws on Google's email service Google Mail, which is

private and one-to-one, converting it into a social networking service. Buzz automatically assigns users a network of 'followers' from people with whom they corresponded most often on Gmail, without adequately informing Gmail users about how the new service would work or providing sufficient information to permit informed consent decisions.

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