Welcome to our 6th newsletter on data protection and privacy issues in the public sector. Circulation now over 550. Please check the disclaimer, virus warning and copyright notice at the end of this newsletter. Subscribe and Unsubscribe is available via a form on our website www.actnow.org.uk or email info@actnow.org.uk

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EMPLOYMENT PRACTICES DATA PROTECTION CODE

The draft code of practice entitled "The use of personal data in employer/employee relationships" has now been amended. After a lengthy consultation process Part 1 of the final version was published on 14 March 2002, now entitled the "Employment Practices Data Protection Code". Part 1 of the Code is concerned with the recruitment and selection of employees. Please look on the front page of our website www.actnow.org.uk to see an article examining the code.

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WEBSITE COMPLIANCE & E-COMMERCE

The Information Commissioner has commissioned a study to ascertain the extent of compliance by UK web sites, to be carried out during January and February 2002. The study will review the compliance of a wide range of web sites operated by both large and small organisations. The results of the study will be used to raise awareness of data protection requirements as well as to direct future guidance and enforcement action. Does your website comply with the provisions of the Data Protection Act 1998? Do you have a privacy notice? Do you know about other legal implications of running a website? If not please see the front page on our website www.actnow.org.uk for a guest article by Hammond Suddards Edge Solicitors on this issue.

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Hammond Suddards Edge has developed Dataedge, a "compliance kit" to assist organisations in complying with the Act. It includes a specimen website privacy policy, e-mail and Internet browsing policy, and summary of the draft Employee/Employer Code of Conduct, as well as essential proforma compliance documentation for all organisations, including audit checklists, policy statements, instructions to include in employee manuals, security questionnaire, processor agreement and other precedent documents. It is available at a special price for public service organisations of £500 plus VAT, which includes Dataedge in both hard copy and on CD-ROM. For more information, please contact Caroline Egan on 0121-222-3000 or at caroline.egan@hammondse.com

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NAOMI CAMPBELL, PREMIER LEAGUE FOOTBALL & PRIVACY

Data Protection is finally cool and sexy. All the tabloids as well as broad sheets recently analysed it when discussing the case of Naomi Campbell. The Supermodel has won her privacy action against the Mirror newspaper. She has been awarded £3,500 after the newspaper published a photograph of her leaving a Narcotics Anonymous (NA) meeting. The judge said the model had established she was entitled to damages for both breach of confidentiality and under the Data Protection Act. And the premier league footballer who claimed his extra marital affairs were confidential was finally named as Gary Flitcroft. For the

full facts please see the front page of our website for an article on the implications on the Campbell case for local authorities.

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DATA EXPORTS OUTSIDE THE EEA

The European Commission has decided that the data protection laws of Canada give adequate protection for personal data transferred from the EU. Canada joins Switzerland and Hungary as the only non-EU countries to which EU businesses can currently transfer personal data without the need for additional guarantees, which are necessary in transfers to other countries.

The Commission has also adopted a Decision setting out standard contractual clauses for the transfer of personal data to businesses outside the EEA.The Decision and standard contractual clauses can be downloaded from

http://europa.eu.int/comm/internal_market/en/dataprot/modelcontracts/02-16_en.pdf

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PFI AND DATA PROTECTION

Those of you engaged in Private Finance initiative may find the following document useful, which gives guidance on information sharing in such projects. http://www.4ps.co.uk/news/employ1.pdf

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FREEDOM OF INFORMATION

Are you prepared for the Freedom Of Information Act 2000.? The following articles may assist:
"Getting ready for FOI" by Riddell Graham - Local Government Chronicle (1.3.02)

An article by Maurice Frankel on implementation of the Freedom of Information Act as been added to the Campaign's web site at http://www.cfoi.org.uk/opengov.html#psm

Local Government Association has published a Practical guide to the FOI Act for Local Authorities. £20 or £10 to local authorities. Ring LGA 0207296 6600, please quote LGA ref CA147 with order. Cheques payable to IDeA

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DOWNLOADS FROM THE IDEA

http://www.idea-infoage.gov.uk/services/dp/download/index.shtml including guidance for Councillors

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Privacy Laws & Business 15th Annual International Conference, St. John's College, Cambridge, July 1st-3rd, 2002 Celebrating its 15th year as Europe's largest international data protection and FOI event. PL&B's conference programme focuses on developing and managing privacy relationships. Managing privacy relationships successfully can help your

organisation build value through better management of your relationships with customers, prospects and employees, all of whom have different privacy expectations. By attending this event you are sure to gain professionally, hear and meet world class speakers, scan the horizon for new issues and enjoy the unique summer school atmosphere. Over the coming months, you can follow the development of the conference programme and these events on our website: www.privacylaws.com. Alternatively, please contact Kevin Considine on 020 8423 1300 for further information.

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CONVICTS REUNITED

Started as a joke but now receiving thousands of hits a day plus rave reviews from the media as a quirky story. Worth looking at www.convictsreunited.co.uk but their privacy policy (below) is not quite what it should be.

Convicts Reunited's Privacy Policy meets the regulations set out in the 2001 Data Protection Act. Which means that as law abiding citizens, we here at Convicts Reunited are forebidden by law from sharing the information stored here with anyone. Even if they do offer us a cheque with 6 noughts on the end as a bribe. In fact unless a man wearing a silly hat and carrying a battering ram knocks on the door your data will not be disclosed. And even then it'll require a court visit, as the data is not stored locally. Of course the Forums are monitored and moderated to prevent us getting arrested - see previous paragraph for more details. It goes without saying that if you follow a link from us to another site, don't blame us, make death threats or make any other villainous actions towards us for anything you find there. The Data Protection Act may be viewed here <http://www.hmso.gov.uk/acts/acts1998/19980029.htm>, but we must warn you it's very very boring.

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THE PRESS & PRIVACY

http://media.guardian.co.uk/pressprivacy/0,7524,361772,00.html

A CODE OF PRACTICE FOR LOCAL GOVERNMENT

The West Midlands Local Authorities Data Protection Forum "Code of Practice for the Data Protection Act 1998" is now completed, the document some 159 pages long is written in plain English and contains useful flow diagrams, sample letters, charts and other valuable information aimed at assisting staff with popular scenarios. The guide has been reviewed by the Office of the Information Commissioner with favourable response and a promise of a foreword by the Commissioner. Following the inclusion of the OIC foreword the guide will be available in hard copy and on CD containing relevant hype-links; plans are underway to make available an HTML version of the guide.

The forum also now runs its own MSN Communities site providing members with valuable information and chat facilities, the web site reinforces the Forum's proactive approach to DP issues around the region and is currently being used to compile a top ten DP issues list. Future projects being undertaken by the Forum are a possible amendment to the form used by local Police Authorities to apply the section 29(3) exception, and the development of an open to all web site which will contain amongst other pages the minutes of meetings, limited access to the code of practice and other useful short compliance notes.

For further details about the forum contact either chairman Paul Couldrey on 0121 704 6251 pcouldrey@solihull.gov.uk or secretary Andy Shipway on 0121 569 3351 andy_shipway@sandwell.gov.uk

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BIG BROTHER AWARDS

To explain some aspects to the awards. Named after Big Brother from George Orwell's 1984 novel, Winston Smith was the protagonist whose rebelled against the status quo. The trophy to privacy violating organisations takes its form from a quote in the book: "If you want a picture of the future, imagine a boot stamping on a human face - forever" http://www.privacyinternational.org/bigbrother/uk2002/

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CHILD SUPPORT AGENCY NEW POWERS

http://www.dwp.gov.uk/publications/dwp/2001/csreform1/laletter1.pdf

ACCESS TO HEALTH RECORDS FAQ

http://www.doh.gov.uk/ipu/confiden/faq.htm#ACCESSING%20HEALTH%20RECORDS%20FO

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I WNT U, I NEED U, I CNT GET ENUFF OF U

A text message advertising jobs at a local store was sent by Sainsbury's to hundreds of people in Stockport, telling them that the sender needed them and couldn't get enough of them. Some recipients believed that their partners were being unfaithful. Sainsbury's has now apologised. They obtained the mobile numbers through TMP, a direct marketing agency. The job ad read: 'I wnt u, I need u, I cnt get enuff of u.'

The supermarket chain used the message as a way of advertising 400 jobs at a new store in Hazel Grove, according to reports in the Daily Mail. The text message continued, "Sainsbury's is recruiting at a new store" with Stockport Job Centre's number. Within minutes, the job centre was bombarded with complaints.

Camille Bentley, Media Officer at Sainsbury's, said the mobile numbers were obtained from a list compiled by people who had downloaded ring tones. Sainsbury's was targeting the 19 to 23-year-old age group. "Sainsbury's is always looking at innovative ways to communicate job opportunities. This text message recruitment campaign was undertaken with best intentions, aimed at students and young people using a lighthearted, fun approach. It has been a success. We have had 80 inquiries in the two days before the ad was withdrawn."

The Information Commissioner's Office said, "This is a widespread practice. There are a number of things people complaining could do. They need to write to the Information Commissioner's Office with full details. They can contact ICSTIS (Independent Committee for the Supervision of Standards of Telephone Information Services), which regulates the content and promotion of premium rate telephone services. Finally they could contact Oftel, the UK regulator for the telephone industry."

A Sainsbury's spokeman said: ""We apologise if it has caused concern and we withdrew the text as soon as we received the complaint. This was a trial and we will look at whether we'll do this again."

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ARE MPs NOTIFYING THEIR PROCESSING?

A brief search through the register of Data Controllers last month revealed that many MPs had not yet notified their processing. You can find Tony Blair, Gordon Brown, John Prescott and Charles Kennedy quite easily and they have all registered 2 purposes - staff Administration & Constituency Casework. Steven Byers has registered 6 purposes but not Constituency Casework. David Blunkett, William Hague and Iain Duncan Smith don't seem to be on the register although this could be due to the quality of the search facility.

None of my own local council's 3 political leaders could be found, neither could my local MP. Many entries during my search had expired over a year ago... Is this an up to date listing? Is it worth putting on the net if it isn't? Are our leaders setting an example for local elected members to follow?

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HAIKU

A traditional japanese form of verse which has 17 syllables in the form 5,7,5 and usually contains a reference to time. When your computer fails to do what you ask it to say one of these Haiku to yourself silently to avoid stress.

A crash reduces your computer to a simple stone.

Three things are certain: Death, taxes and lost data. Guess which has occurred.

You step in the stream, but the water has moved on. The page is not there.

Out of memory. We wish to hold the sky. But we never will

Having been erased, the document you're seeking must be retyped

Serious error. All shortcuts have disappeared. Screen. Mind. Both are blank

Windows crashed. I am the blue screen of death. No one hears your screams.

The web site you seek can not be located but countless more exist.

Chaos reigns within. Reflect, repent, and reboot. Order shall return.

YESTERDAY IT WORKED. TODAY IT IS NOT WORKING. WINDOWS IS LIKE THAT.

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ACT NOW - DATA PROTECTION TRAINING FOR THE PUBLIC SECTOR

The Seventh Data Protection Principle requires all data controllers to have adequate measures in place to ensure the reliability of employees who have access to personal data. This means training is absolutely essential for such staff.

So far most of delegates at our seminars who completed a feedback sheet have rated them good or excellent. Consequently we have received many requests to present the course in house. We have now improved it to incorporate FOI, HRA and RIP. If you would like us to deliver training please contact us. Organisations in an area may wish to club together so that they can share the costs and resources. The courses can be tailored for specific audiences. Our availability is limited therefore the sooner you contact us the better. Contact us or look at the website for details.

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