

# Data Privacy Practices

## *Current data protection approaches*

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# The problems keep on coming...

- 434 breaches reported in past year (up from 277 in previous year)
  - Great Yarmouth & Waveney NHS Trust theft of desktop PC
  - NHS Gloucestershire theft of six PCs
  - T-Mobile corporate espionage
- National DNA database has over 5m profiles
  - EU court has ruled against UK policies
  - accusations that police arrest to 'feed' it
- Coroners & Justice Bill ignited fury over data sharing agenda



# What happened this year?

- ICO launches Personal Information Promise
- Launch of ContactPoint and ID Cards trials
- Enhanced ICO powers of inspection/enforcement
  - funded by new higher rate notification fee
- ICO prosecution of building trade for 'blacklist'
- Phorm's partners withdraw over privacy fears
- Dispute over increasing use of RIPA powers
- Appointment of Identity Commissioner
- Ongoing review into value of personal information



# What about the recession?

- The recession has impacted attitudes towards privacy and data protection
  - organisations are focusing on minimum data protection compliance rather than trying to deliver privacy best practice
  - other risks dominate boardroom agendas
  - budgets are restricted, so security controls are slipping
  - pressures to achieve more with less, and that includes exploiting personal data
  - private companies more vulnerable to adverse publicity



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# What makes Scotland different?

- Historical cultural and political differences
  - of course bound by Westminster/Brussels
  - reduced population density means English solutions don't necessarily translate
- Scottish Government objection to National ID
  - extensive acceptable ID already in place through YoungScot, Citizen Account
  - will not integrate with local systems unless obliged to do so
- Strong privacy advocacy lobby that is more vocal than in Westminster



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# What makes Scotland different?





# Draft IdM and privacy principles

- The consultation on Identity Management and Privacy Principles encapsulates the difference:
  - respect for the individual in language, content
  - promotes a consistent approach across all public authorities
  - forces authorities to seek alternatives to ID, data collection
  - mandates need for PIAs, data minimisation
- Has received a warm response from advocates and Westminster opposition parties



# Bills and consultations

- Interception Modernisation / Communications Data
  - centralised monitoring to fight terror and crime
- EU Data breach notification
  - current proposals just for CSPs, but could be extended to cover all businesses
  - thresholds need to be set, ICO role decided
- Digital Economy Bill
  - copyright and privacy finally collide in law
  - '3 strikes and out' unenforceable?
- Sir David Varney this week announced that new data sharing proposals will be raised soon
  - will this be another Coroners & Justice?



# Major challenges for the year ahead

- The legislative agenda becomes more complex
- ICO will have to flex new muscles, and someone has to be in their sights...
  - organisations should take this opportunity to put their systems in order
- And of course the election – but more on that later...

**Close**

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