

Press Release

6 October 2010

ICO announces views on EU data protection law

The Information Commissioner's Office (ICO) has today [responded](#) to the Ministry of Justice's (MoJ) call for evidence on the current data protection legislative framework. The ICO has highlighted the key features it would expect to see in any revised framework and welcomes the MoJ's recognition of the potential for changes. The ICO supports the review and believes that there needs to be a common sense and modern day approach to data protection.

The ICO has pointed out that although the current data protection principles are sound, the law needs to provide more clarity for individuals and for businesses. In particular the privacy watchdog wants more clarity on the scope of the law including what constitutes personal data.

The law must be clearer on when consent is required to use personal information and adopt a more pragmatic approach to the regulation of international data flows. The allocation of responsibilities amongst those handling personal data also needs to reflect the changing nature of modern day business relationships

The ICO believes there needs to be better coordination between freedom of information law and an appreciation that individual's rights need to be updated to bring them in line with the capabilities of modern technology.

David Smith Deputy Commissioner and Director of Data Protection

at the ICO said: "The ICO has welcomed the MoJ's call for evidence on the current framework. We have no doubt that this framework, which includes the UK Data Protection Act and the EU Data Protection Directive, can be improved so that the law is more effective in practice. We need to ensure that people have real protection for their personal information, not just protection on paper and that we are not distracted by arguments over interpretations of the Data Protection Act."

A full copy of the ICO's response to the MoJ's call for evidence can be viewed here:

http://www.ico.gov.uk/~media/documents/library/data_protection/notices/response_to_moj_dpframework.ashx

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If you need more information, please contact the ICO press office on 0303 123 9070 or visit the website at: www.ico.gov.uk

Notes to Editors

1. The Information Commissioner's Office upholds information rights in the public interest, promoting openness by public bodies and data privacy for individuals.
2. The ICO has specific responsibilities set out in the Data Protection Act 1998, the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Privacy and Electronic Communications Regulations 2003.
3. For more information about the Information Commissioner's Office subscribe to our e-newsletter at www.ico.gov.uk. Alternatively, you can find us on Twitter at www.twitter.com/ICOnews.
4. In 2009 the ICO published a report by the RAND Corporation to start the debate about further safeguarding people's privacy rights across Europe. A full copy of the report can be viewed here:
http://www.ico.gov.uk/upload/documents/library/data_protection/detailed_special_guides/review_of_eu_dp_directive.pdf
5. Anyone who processes personal information must comply with eight principles, which make sure that personal information is:
 - Fairly and lawfully processed
 - Processed for limited purposes

- Adequate, relevant and not excessive
 - Accurate and up to date
 - Not kept for longer than is necessary
 - Processed in line with your rights
 - Secure
 - Not transferred to other countries without adequate protection
6. The Data Protection Act (1998) does not cover the acts of interception of communications or 'hacking' of personal information. The interception of communications falls under the Regulation of Investigatory Powers Act (2000) which is regulated by the Interception of Communications Commissioner.
7. The ICO has legal powers to ensure that organisations comply with the requirements of the Data Protection Act. In using its regulatory powers, the ICO considers the nature and severity of the breach which has occurred. Dependent on circumstances, the powers the ICO has at its disposal include:
- serving information notices requiring organisations to provide the ICO with specified information within a certain time period;
 - serving enforcement notices requiring organisations to take specified steps in order to ensure they comply with the law;
 - issuing monetary penalties of up to £500,000 for serious breaches of the Data Protection Act;
 - conducting audits to assess whether organisations are processing personal data in accordance with good practice;
 - reporting to Parliament on data protection issues of concern;
 - prosecuting those who commit criminal offences under the Act. The ICO prosecutes individuals and organisations for specific breaches of the Act such as the illegal trading of personal data and non-notification.