

The courts

The DPC will be under judicial control so that, for example, either a party requesting or refusing access may appeal against a decision of the DPC to the Supreme Administrative Court. Where necessary, criminal penalties will be imposed by a court.

A CHECKLIST FOR THE INTERNATIONAL DATA PROTECTION MANAGER

You have been given the job of co-ordinating data protection policy for your company worldwide, or just a group of European countries. Where do you start? Here are some suggestions:

- 1. Aim for broad understanding rather than mastering every detail at the start.** As most of the detailed material on the laws is available only in national languages, it will be confusing to try and understand the precise requirements of every one.
- 2. Appoint a person in each country who can take responsibility for complying with the national rules.** He will not necessarily be full-time on data protection but will need sufficient authority and time to carry out this task. If the country manager is hostile to the role of national data protection manager, he may need a memo from the chief executive officer of the company, or someone sufficiently senior, who appreciates the damage that can be done to the company in terms of management-labour relations and public relations, if the company is discovered breaking a data protection law.
- 3. Obtain a copy of the law, and any implementing regulations, in each country where your company operates.** Use the chart on page 10 of February's PL&B to identify the first ten countries with data protection laws affecting company operations. Charts covering the next group of laws and current bills will appear in future issues. PL&B has a copy of all data protection laws in their original languages and in English. The Council of Europe has also translated most data protection laws into French.
- 4. Obtain explanatory materials produced by the data protection authorities to help explain the way in which the laws work.** The EEC Commission has commissioned a businessman's guide to European data protection laws. It is being completed now and the intention is for it to be published as soon as it is in easily understood format. (The thought of a guide in obscure EEC-style language on complex data protection issues is quite painful)! Fortunately, the responsible EEC Commission officials recognize this problem and aim to avoid it.
- 5. Introduce staff training on good data protection practice.**
- 6. Review your data security routines, for example, passwords and**

backup storage media.

7. Decide which types of data are covered by the national data protection laws, for example, in terms of content, in terms of format (for example, electronic mail, paper records destined for automated processing), and in terms of purpose.

8. What is your relationship with the data protection authorities? Send the authorities a copy of your internal guidelines or privacy policy statement, if you have one. Has the data protection authority made any routine or one-off visits to your company or any other form of investigation? If so, what happened?

9. Encourage your national data protection managers to meet others in their country or sector to exchange experience. After all, this is a non-competitive part of business and you want earliest possible information on administrative and court decisions.

10. Appoint someone to monitor data protection bills in each country where legislation is approaching. Invite them to any training sessions you may hold.

11. You may regard data protection as merely a bureaucratic nuisance, particularly, if you are doing the job of international data protection manager in addition to your previous work. But the best organized companies see data protection legislation as an aid to good management.

12. Your company may suffer bad publicity from a half-hearted approach to data protection which will far outweigh any financial penalty that a court may impose.

Please contact PL&B with further action points that you have learned from your own experience.