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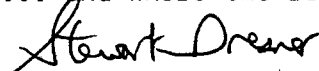
August 1990

The publication of the European Community's long awaited draft directive shows the Commission as strongly committed to data protection as a fundamental right (page 11). This aspect has horrified several industry observers, and delighted privacy advocates, as it is the conventional wisdom that there is a division of labour. The Council of Europe is assumed to look after human rights while the European Community covers trade and industry. Industry groups will now mobilize to water down these principles.

The European Direct Marketing Association clearly fears "the threat of severely restrictive laws from the European Commission," and is examining a "self regulation" strategy. Its most concrete proposal is to give financing to the embryo European Mailing Preference Service which will enable consumers to have their names and addresses removed from prospect mailing lists.

With the limited success of such schemes in several European countries in the past, the National Data Protection Authorities are doubtful whether such a plan will work on a self-regulatory basis. However, the European Commission has made provision for sectoral codes.

A European Data Protection Code of Practice for Direct Marketing (and other sectors), acceptable to government, industry and consumers, will be difficult to achieve. But a dialogue has to begin. That is why I invited the co-author of the EC draft directive to address our 3rd Annual Conference, and why I am working to set up a forum next April to define the limits of the free market in personal data... and where the regulations have to bite.



Stewart Dresner, Publisher

In this issue:

- * Data protection news from around the world.....2
Council of Europe, European Community, Australia,
Canada, Finland, Iceland, Ireland, Norway,
Portugal, Sweden, United Kingdom.
 - * EC launches data protection initiative.....11
 - * The EC draft directive guide.....15
 - * International personnel databases - contracts?....19
 - * Access & privacy - regulating the balance.....21
 - * UK Registrar vs. credit reference companies.....25
 - * UK Annual Report: investigations, prosecutions....27
 - * UK's Computer Misuse Act strengthens the DPA.....31
 - * Conference calendar/PL&B subscription form.....34
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