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A battle is now under way for the heart of the EC data protection draft directive. I said in this space in *PL&B Newsletter* no. 17 that the Council of Europe Convention is "an inadequate basis for safeguarding data protection rights or even giving companies a consistent regulatory framework." You may read for yourself Dr. Adriana Nugter's argument which is a reminder of the rationale for the EC draft directive (p.2). It also provides an introduction to Ulla Ihnen's report on the EC draft directive's current status and issues at stake (p.3). The EC Commission proposes a regulatory framework to protect fundamental privacy rights which many companies fear would make trade between EC and non-EC countries impossible. The corporate preferred alternative is a contract between exporting and importing parties. To move the discussion forward, I am publishing a draft model contract which has been circulated for comment (p.6). If you would be interested in a workshop meeting to discuss whether such a contract could be made workable, please contact me.

In September, the UK's Data Protection Tribunal celebrated its first anniversary of hearing appeals against decisions of the Registrar. We mark the occasion with an exclusive review by Shelagh Gaskill of the issues and the Tribunal's decisions in all four credit reference cases, the last published on October 15th, and well worth waiting for to consider them as a group (p.13).

How would such cases be adjudicated upon, if at all, in Canada or the USA? The EC draft directive has had some influence in Canada, says Professor David Flaherty (p.19), particularly in Quebec, which could enact North America's first comprehensive privacy law for the private sector.

PL&B no. 19 will report on the 13th Data Protection Commissioners' Conference held in Strasbourg earlier this month and which I attended as an observer.

Stewart Dresner

Stewart Dresner, Publisher

P.S. See the back page for our new series of Data Protection Management Workshops.

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