

3. the *Data Act's* rules on transborder flows of personal data and appropriate sanction and damages when the rules are breached
4. the appeal procedure against a decision of the Data Inspectorate, and whether it should be to the government, as at present, or to a judicial body.

The Data Inspectorate expects to make a response to the Commission's recommendations in February 1992. However, it is likely that any changes to the *Data Act* would not enter into force before 1995.

### **New Credit Information Commission**

A new Commission was elected in November by the Riksdag (Parliament) to review the *Credit Information Act* which is enforced by the Data Inspectorate. The Commission held its first meeting in December and is due to report back to the government by July 1 1993. The Commission will also consider whether there is enough competition between the two major credit information providers; and whether companies based outside Sweden should be permitted to enter the market.

The Data Inspectorate has a representative on both Commissions.

### **Adding Privacy to the Constitution**

On the 1st January 1989 a fundamental rule on protection of personal privacy in connection with data recording was added to the *Instrument of Government*, Sweden's paramount constitutional document. Under this rule every citizen must be protected by law against infringements of personal privacy caused by the registration of personal information by means of automated data processing. Despite the fact that the *Data Act* and the *Secrecy Act* already ensure such protection, it was thought essential to reinforce these laws by an addition to the *Instrument of Government* which shows the great importance that society attaches to privacy.

## **HALIFAX AND DATA PROTECTION REGISTRAR SETTLE UK TRIBUNAL CASE**

*Rear Admiral Walters' debut in his role as Deputy Chairman of the Data Protection Tribunal was cut short when he heard the long-awaited appeal of the Halifax against the Data Protection Registrar's Enforcement Notice (PL&B no.16 p.16) on January 6th, 1992. The case was based on an access request originally made in November 1987 and has already been the subject of a court case heard in December 1990. Privacy Laws & Business attended the hearing and learned the results of the closed session.*

The *Data Protection Tribunal's* hearing of the Halifax's appeal against the Data Protection Registrar's Enforcement Notice on access to personal information was due to be heard on January 6th, 1992. But the parties reached prior agreement which they presented to the Tribunal in closed session.

In the agreement, the Halifax conceded that the data to which the data subject sought access was indeed personal data and made a promise on its future policy which has not yet been published. As a result, the Registrar withdrew his Enforcement Notice.

The issue of the Section 28 exemption from subject access to data held *for the prevention or detection of crime, or the apprehension or prosecution of offenders* was set on one side as there was now no need for the Tribunal to rule on this point.

The Tribunal's Chairman for this case, Rear Admiral Walters, will issue a statement later.