

Privacy Laws & Business

NEWSLETTER

data protection and privacy worldwide

No. 36

September 1996

The contrast between the European and North American approaches to privacy protection was encapsulated for me at the *Privacy Laws & Business Conference* in comments on the UK Data Protection Registrar's 42 page guidance on direct marketing. Dr David Flaherty, B.C. Canada's Privacy Commissioner, regarded it as too bureaucratic while the UK Direct Marketing Association's lawyer found it helpful!

This edition reflects diverse approaches to privacy protection. USA Federal Trade Commissioner, Christine Varney (p.2), gives her view that "the government should step in to regulate only when there has been an identifiable market failure." Furthermore, "a robust, competitive marketplace for privacy protection may very well develop." Professor Colin Bennett (p.8) contends that the use of a standard offers the *only* possible way that the EU's rules on transborder data flows can be enforced. Meanwhile, there is a clear difference of viewpoint on how fully the European Union Directive should be implemented (p.11). The EU Telecommunications (ISDN) Draft Directive (p.21), after five year's languishing in the shade of the General Directive, has now reached the political agreement stage, complete with restrictions on unsolicited telemarketing calls and faxes.

Quebec gains experience of protecting privacy of health data with smart cards (p.26). Toronto's Metro government will protect privacy and cut fraud in its welfare programme by using encrypted biometric identification (p.29). Canada's Privacy Commissioner makes proposals, including audits, to provide privacy safeguards for a future national database of suspected criminals' genetic samples or analyses (p.31).

On September 18th at the Privacy Commissioners' Conference in Ottawa, I heard Canada's Justice Minister, Allan Rock, announce "By the year 2000, we aim to have federal legislation on the books that will provide effective, enforceable protection of privacy rights in the private sector." There is no common North American approach. Clearly, the USA and Canada are on two separate tracks.



Stewart Dresner, Publisher

in this issue

- Consumer privacy in the information age: a view from a USA
Federal Trade Commissioner 2**
- Privacy Laws & Business Newsletter*
subscription form 7**
- Privacy standards: an innovation in
national and international policy . . . 8**
- Privacy Laws & Business Services* 10**
- UK Government to adopt
minimalist approach in
implementing the EU directive 11**
- UK Data Protection Registrar
poses questions on the
EU Directive's implementation 15**
- EU states reach political agreement
on EU Telecommunications
(ISDN) Directive 21**
- How the Rimouski smart health
card pilot project in Quebec
protected privacy 26**
- Toronto first to use biometrics for
welfare benefits 29**
- Privacy safeguards for Canada's
DNA database? 31**
- 1996-97 Conference Calendar 32**

Publisher: Stewart H Dresner
Privacy Laws & Business

Roxeth House, Shaftesbury Avenue, Harrow,
Middlesex, HA2 0PZ, United Kingdom.

Tel: 0181 423 1300 (UK) +(44) 181 423 1300 (Int)
Fax: 0181 423 4536 (UK) +(44) 181 423 4536 (Int)

E-mail: info@privacylaws.co.uk

Copyright © 1996 Privacy Laws & Business ISSN 0953-6795