



Bookends

Guide to New Zealand's Privacy Act

The Privacy Act: A Guide is the first comprehensive guide to New Zealand's Privacy Act 1993. It was written by Elizabeth Longworth of Longworth Associates, a leading consultant on privacy and information management issues in New Zealand, and Tim McBride, Senior Lecturer at Auckland University, human rights author and privacy advocate. It is a practical resource for both legal and non-legal professionals who wish to understand the way in which the Act works and is implemented by the Privacy Commissioner.

After the introductory and background chapters revealing the spirit and intent of the Act, the following chapters give an extensive overview of the rights and obligations under the Act and present a case-study of some industries and sectors as the most illustrative examples of what the Act means in practical terms for their policies and activities. The authors deal with the following substantive issues:

- the role of Privacy Commissioner
- twelve information privacy principles
- the public register privacy principles
- privacy codes of practice
- procedures for access and correction
- reasons for refusing access to personal information
- access to personal information under the Official Information Acts
- information matching
- complaints
- managing information practices
- health data
- employment issues
- banking, finance and credit sectors
- marketing
- technology
- news media issues
- law enforcement and information privacy
- complying with the Privacy Act.

The Privacy Act: A Guide, by Elizabeth Longworth and Tim McBride, 1994

GP Publications, 10 Mulgrave Street,
Wellington, New Zealand.
ISBN 1-86956-115-5, pp. 315.

Smart Cards: Big Brother's Little Helpers

The Privacy Committee of New South Wales, Australia, an independent privacy ombudsman responsible for the whole range of privacy issues in both the public and private sectors, published a comprehensive report on smart cards and related privacy issues in August this year.

After giving an overview of the technology behind these multi-functional microprocessors, the report examines in detail their various uses from "stored value cards" to "electronic purses" and other applications. Finally, the existing regulatory environment is analysed and some of the options for ensuring adequate protection of privacy are canvassed. In the conclusion, the report recommends the development of a three layered regulatory framework including:

- improved privacy legislation
- an industry code of conduct
- licensing requirements.

This is essential reading for all those interested in the pressing issues raised by the ever increasing and multi-faceted use of smart cards.

**The Report is available from the The Privacy Committee of New South Wales, G.P.O. Box 6, Sydney, N.S.W. 2000, Australia
Tel: + (61) 2 252 3843, Fax: + (61) 2 252 3842.**

Invisible Eyes: Report on Video Surveillance in the Workplace

This is yet another in a series of excellent reports by the Privacy Committee of New South Wales, Australia, published in September last year. The report was the result of an inquiry conducted by the Committee throughout 1995. The purpose of the inquiry was to examine: the justification, nature, extent and purposes of video surveillance in workplaces; whether video surveillance of particular areas in the workplace should be restricted or prohibited; any adverse impact on personal privacy, and whether any changes are



required to laws, policies and administrative procedures.

The first part of the report gives a complete picture of the various uses of video surveillance in the workplace in different sectors, including covert video surveillance. It also raises and examines many privacy issues involved in video surveillance. The Report notes an increasing number of complaints relating to workplace privacy and in particular video surveillance.

In the second part of the report, the Committee explains that there is a lack of legal framework applying to video surveillance in the workplace. By international standards, employees in New South Wales have very little privacy protection. The Report goes on to examine various options for regulating overt surveillance ranging from doing nothing to self regulation and legislative control.

The Committee concludes that the most effective form of regulation of video surveillance in the workplace would be through the following measures:

1. the amendment of industrial relations legislation which would prohibit certain uses of video surveillance, such as for monitoring of employees' work performance, or in certain locations, and would require a permit from the Industrial Relations Court for some other uses, such as covert surveillance.
2. enacting privacy legislation and establishing a Privacy Commissioner of New South Wales, as well as development of a Code of Conduct under such legislation.

In the meantime, until a legislative response occurs, the Committee proposes a set of Guidelines to be adopted by employers to deal with the issue of overt video surveillance in the workplace. The Guidelines are appended to the Report.

The Report is available from The Privacy Committee of New South Wales, G.P.O. Box 6, Sydney, N.S.W. 2000, Australia
Tel: + (61) 2 252 3843, Fax: + (61) 2 252 3842.

Privacy Issues Forum 1995

At the end of June 1995, New Zealand Privacy Commissioner, Bruce Slane organised and hosted the second annual Privacy Issues Forum in

Wellington, New Zealand. The 286 pages of papers from the Forum's proceedings, including some background material, have been published and include the following topics:

- technology and privacy
- genetic information and privacy
- surveillance and investigation
- children's rights and privacy
- employer's right to know - employee's right to protect
- salaries and other secrets
- public registers - private lives
- credit reporting
- task of a privacy officer
- information matching

The Privacy Issues Forum 1995 papers may be obtained from the Privacy Commissioner, PO Box 466, Auckland, New Zealand
Tel: + (64) 9 302 2160, Fax: + (64) 9 302 2305.

Privacy Disputed - a collection of essays on privacy in an information society

The Netherlands Registration Chamber has issued a compilation of essays on privacy and data protection in an information-based society. The book is closely related, and came as a response, to the 16th International Conference of Privacy and Data Protection Commissioners which took place in the Hague, Netherlands in September 1994 and was organised by the Registration Chamber. In publishing this book, the intention was to stimulate further reflection and discussion on privacy and data protection in a democratic society. The book contains a number of speeches from the Conference keynote speakers, together with substantive contributions from other invited authors.

Privacy Disputed, edited by Pieter Ippel, Guus de Heij and Bart Crouwers, 1995 pp. 140
ISBN 9034531966,

Available from Registration Chamber, P.O. Box 3011, 2280 GA Rijswijk, the Netherlands
Tel: + (31) 70 319 0190
Fax: + (31) 70 394 1460



The protection of personal data across borders

This Spanish language book is by Professor Dr Olga Estadella Yuste of the Department of Public Law, Autonomous University, Barcelona, an academic expert in data protection law. She examines the international juridical context of how privacy is protected when personal data is transferred across borders. The first part deals with the issue of whether data on "legal persons" should also be considered as personal data and, therefore, be included in the regulation of such data.

The second part studies the basic principles and control mechanisms applying to transborder data flows. The legal instruments analysed in the book are the guidelines of the United Nations and OECD, the Council of Europe Convention, the EU Data Protection Draft Directive and Spain's data protection legislation.

La Protección de la Intimidad Frente a la Transmisión Internacional de Datos Personales, by Professor Dr Olga Estadella Yuste. Editorial Tecnos, S.A., 1995, Juan Ignacio Luca de Tena, 15 - 28027 Madrid, Spain.

ISBN 84-309-2601-1.

New Commentary on Spain's DP law

This Spanish language commentary on Spain's Data Protection Act 1992, is due to be published early this year. The book will include an introduction in which the basic data protection issues are discussed. An exhaustive bibliography on the subject includes a list of Spanish

publications on data protection, Spain's Act, a list of foreign laws and regulations, and official reports.

Three Appendices offer the texts of Spain's previous initiatives, drafts and bills, since 1976, including the 1984/85 bill which was not adopted. The Appendices contain the regulations which implementation of the 1992 Act has required, as well as the relevant international and European Union texts (Directive 95/46/CEE, Schengen Agreements, Council of Europe Convention 108 and Recommendations of the Committee of Ministers, OECD and UN Guidelines).

The commentary itself contains an analysis of the 1992 Act, article by article, the problems involved in each provision, the parliamentary discussion in both Chambers (Congreso de los Diputados and Senado) and references to pertinent provisions of foreign Acts and relevant texts. A selected bibliography completes the commentary on the articles.

This commentary was written by Dr Manuel Higuera Heredero, Spain's former member of the: Council of Europe's Data Protection Experts Committee; the Convention 108 Consultative Committee; and the European Union's Data Protection Directive working group. Before retiring earlier last year, he was legal advisor to Spain's Data Protection Agency.

Comentario a la Ley Orgánica 5/1992, de 29 de octubre, de regulación del tratamiento automatizado de datos de carácter personal (900 pages), by Dr Manuel Higuera Heredero. Editorial Tecnos, S.A., 1995, Juan Ignacio Luca de Tena, 15 - 28027 Madrid, Spain.

The Hong Kong log book on data subjects' rights

Privacy Laws & Business is grateful for a letter from Robin McLeish, Secretary for Home Affairs at the Government Secretariat, Hong Kong, specifically drawing attention to a minor inaccuracy in our report in the December 1995 issue (p. 2) on Hong Kong's Personal Data Ordinance.

"This concerns the log book to be kept by data users referred to under "Data Subjects' Rights" (p.4 last paragraph). As currently provided for in the Ordinance, the particulars to be entered into the log book only relate to *refusals* by data users to comply with data subject requests to access or correct personal data. Contrary to the impression given in the article, there is *no* requirement for a data user to maintain a record in the log book of data subject requests for access and correction that are complied with."