



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."