



privacy news

Investigation Reveals Hells' Angels "Mole" in Quebec Government

The Ottawa Citizen reported on December 16th 2000 that police investigators had uncovered a "mole" in Quebec's Revenue Department who had allegedly passed the addresses of five police officers to the Hells' Angels. The gang has a major presence on Quebec's criminal scene. All five officers were working on an anti-gang squad.

A provincial Liberal opposition critic claimed that no attempts had yet been made to harm the officers. "At the same time, I can assure you that if you want to gather that type of information on a police officer, it's not to send them an invitation to a Christmas party."

The Citizen report also noted that a week earlier an employee of Quebec's automobile insurance bureau had been charged with giving information to another major Quebec gang, the Rock Machine. The Rock Machine and Hells' Angels have been involved in a lengthy and violent battle for control of Quebec's drug trade and other criminal enterprises.

Only 15 months earlier, Dr. Ann Cavoukian, Ontario's Information and Privacy Commissioner, expressed concern over how the personal information of a number of Ontario judges and court officials, including their home addresses, ended up in an inmate's cell at an Ontario prison. In the meantime, the Ontario Ministry of Correctional Services has suspended a recycling programme under which inmates at two correctional centres shredded government documents. The Ministry announced it was investigating the incident. One inmate was charged with theft.

Virtual Privacy Office Goes Online

On December 5th 2000 the Virtual Privacy Office went online at the Independent Centre for Privacy Protection, Schleswig-Holstein, Germany. The service, described as a "common service of privacy protection institutions from all over the world", is a resource for Internet users' questions about privacy protection.

In a paper presented in September 2000 to the Information Security Solutions Europe (ISSE) Conference 2000 in Barcelona, Dr. Bruno Baeriswyl, Dr. Helmut Bäumler, Dr. John J. Borking and Marit Köhntopp described the concerns that led to the creation of the Virtual Privacy Office:

More and more data trails and motion profiles are, often unwittingly, left behind in computer networks such as the Internet. There are almost no limits to their analysability. Neither the limitation of use to specific purpose nor protection against their misuse can be guaranteed. The fundamental right of informational self-determination can only be safeguarded if every single person can at any time ascertain who knows what about him or her; hence the growing uneasiness among users and would-be users of information technology about impending privacy invasion. Simultaneously, there is no independent and sufficiently competent contact for legal or technical support or in privacy related matters available on the Internet.

The aim of the Virtual Privacy Office is to re-establish an effective privacy protection on a new basis by absorbing currently developing

communication technologies and Internet culture and utilizing them for new ways of privacy protection. The intention is to develop new privacy protection levels by increasing the knowledge of privacy protection officials by building a stronger relation to practice. Who wants to have a say in the Internet needs to know the way it works, particularly from practical experience. This is going to be supported by involving external experts. A division of labour between the co-operating partners in the Virtual Privacy Office will prevent an excessive strain on the resources of the participants, by specialization in their respective fields, because doing it alone would be unachievable. This requires an improved workflow within and between the departments in order to facilitate easy and rapid exchange of information between experts in the respective areas.

Results will be accessible for everyone and will form a basis for further discussion, thus utilizing a constant challenging of the outcome for further development. The Virtual Privacy Office serves as a platform for the various activities. Therefore, the results of the project should be useful for all e-business and e-government projects which take care of privacy protection.

The entire paper and further information about the Virtual Privacy Office are available online at <http://www.privacyservice.org/institutionen/virasb>

The address of the Virtual Privacy Office is: Virtual Privacy Office, c/o Independent Centre for Privacy Protection Schleswig-Holstein, Duesternbrooker Weg 82, D-24105 Kiel, Germany.

Departure of Clinton Administration's Chief Counselor for Privacy

Peter Swire, the Clinton Administration's Chief Counselor for Privacy in the United States Office of Management and Budget (OMB), announced in January 2001 that he was leaving his position. He has since resumed teaching at the Ohio State University College of Law. This semester he will teach the Law of Cyberspace and a privacy seminar. His new email address is: swire.1@osu.edu

Professor Swire has advised that privacy issues should now generally be brought to the attention of Dan Chenok, Branch Chief for Information Technology and Policy at OMB. Brooke Dickson and others will be assisting Mr. Chenok on privacy issues.

*Mr. Chenok can be reached at email: Daniel_J._Chenok@omb.eop.gov; Tel: +1 202 395-4951.
Brooke Dickson can be reached at email: Brooke_Dickson@omb.eop.gov; Tel: +1 202 395-3191.*

Canadian Privacy Rights Charter on Hold

On June 15th 2000 Senator Sheila Finestone introduced her proposed Privacy Rights Charter (Bill S-27) in Canada's Senate (PL&B July 2000 p. 21). The Privacy Rights Charter would take precedence over ordinary federal legislation. It would also serve as a benchmark against which the public, courts and legislators could measure the reasonableness of privacy-infringing practices and the adequacy of legislation and regulatory measures. Although the legislation would apply only with the federal jurisdiction (that is, areas under the authority of Canada's Parliament), Senator Finestone suggested that provinces could adopt equivalent protection covering matters under their jurisdiction.

Senator Finestone, accompanied by Eugene Oscapella (Associate Editor, PL&B international newsletter), testified before the Standing Senate Committee on Social Affairs, Science and Technology on October 5th 2000.

She described the Charter as being intended to fill a significant gap in privacy protection by providing an umbrella of principles that would inform the actions of Parliament and the federally regulated private sector.

Bill S-27 died on the Order Paper when Canada's Parliament was dissolved for the November 2000 federal election. However, Senator Finestone has made clear she intends reintroducing the bill in the new Parliament, possibly by the end of February 2001.

Senator Finestone's testimony about the Privacy Rights Charter can be found at: <http://www.parl.gc.ca/36/2/parlbus/commbus/senate/Com-e/soci-e/21eve.asp>



in-house staff training

The changes that will be brought about by the new data protection laws mean that you will need to review and amend your compliance programme. An essential part of ensuring good compliance is staff training. *Privacy Laws & Business* has years of experience in providing in-house training. A specialised training programme is the most effective way to communicate the requirements of the new laws to your staff. In-house training is:

- Tailored to exactly meet your needs
- Organised at your required date/location
- Conducted using plain language, and encourages the staff to ask questions and relate the law to their particular responsibilities.

If you do not have a compliance programme, we can help you to design one.

We also conduct audits on existing compliance programmes.

Please call Shelley Malhotra at *Privacy Laws & Business* on +44 (0)20 8423 1300 to discuss your consulting and training requirements.

Our training clients include: BOC, British Tourist Authority, Ernst & Young, Lotus Development, Littlewoods and Mercury Asset Management.