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privacy news

European Commission tackles Internet spam

A study undertaken for the European Commission says that Internet subscribers world-wide are unwittingly paying an estimated 10 billion euros a year in connection costs just to receive "junk" e-mails. Internal Market Commissioner, Frits Bolkestein, said that current technology allows a single cyber-marketing company to send half a billion personalised ad mails via the World Wide Web every day.

The study, released in February 2001, provides detailed information on the junk mail (or "spam") phenomenon in both the US and the European Union. The Commission states that the study forms part of its ongoing efforts to ensure that the development of the Internet and e-commerce does not undermine Europe's rules on Internet privacy and data protection. "Unless consumers feel their privacy is adequately protected, the on-line services that are so important to wealth and job creation in Europe are unlikely to flourish," argues the Commission.

The study also compares the different approaches adopted by EU Member States in implementing the EU Directives on data protection into national law. The study will help the Commission's work with Member States' data protection experts on assessing the implementation of EU Data Protection Directives. The findings will also be taken into account by the Commission when proposing updates to EU data protection legislation.

In looking at legal protection against junk mail or "spamming" in the EU, the study finds that the application of the concepts enshrined in the existing EU Directives are applied in different ways across the EU. Protection is afforded via either opt-outs (e.g. a box to tick if you do

not wish to receive unsolicited information) or opt-ins (a formal request to receive such information). Opt-ins are required in Austria, Denmark, Finland, Italy and Germany.

Further information about the study by Serge Gauthronet and Etienne Drouard, Unsolicited Commercial Communications and Data Protection, January 2001, see http://europa.eu.int/comm/internal_market/en/media/dataprot/studies/spam.htm.

Telephone records help trace US prison escapee after 30 yrs

A 51-year-old man who escaped to Canada from an American prison almost 30 years ago has completed serving his sentence after U.S. authorities tracked him down using telephone and fingerprint records.

In 1970, Christopher Perlstein was sentenced in New York state to 3½ years for selling a single hit of LSD during an anti-Vietnam War protest. He was sentenced to the notoriously violent maximum security Attica prison, which saw 43 inmates killed in a prison riot in the early '70s. Fearing for his life, Perlstein escaped from a work camp and fled to Canada. There, he changed his name to Allen Richardson and led a respectable life for three decades.

Canada's National Post newspaper reported that U.S. authorities found Richardson during a sweep of cold cases three years ago. They subpoenaed his father's telephone records in the United States and identified Richardson as a frequent caller. They then enlisted the RCMP who, under the pretence of investigating a car accident, visited Richardson and obtained a fingerprint from a glass he handled. The prints matched those from Richardson's New York state prison file.

Richardson fought his extradition, but later decided to return voluntarily to the US. He was sentenced to a

medium security institution and was released on parole in March. He is now applying to immigrate to Canada legally.

Canadian government addresses "superfile" concerns

In light of criticism by the former Privacy Commissioner, a Canadian "super department" has developed and is now seeking final approval of a test research protocol designed to address concerns about the potential to create a massive database on Canadians.

Human Resources Development Canada (HRDC) was the product of an amalgamation in 1994 of several federal government departments. HRDC presides over such vast areas as unemployment insurance, pensions, occupational health and safety, child and family support benefits, disability benefits, education, occupational training, and job creation.

In April 2000, in his final annual report as Canada's Privacy Commissioner, Bruce Phillips described this amalgamation as placing under HRDC's control personal information of a nature and on a scale unprecedented in Canadian history. "HRDC reaches into virtually every Canadian's life," he stated.

HRDC's Strategic Policy Branch had developed a Longitudinal Labour Force File for research, evaluation, policy and programme analysis to support departmental programmes and services. It contained records on more than 33.7 million individuals drawn from widely separate internal and external government files and time periods. The data was never purged, which explained why there were more records than the entire population of Canada. (An HRDC official told PL&B that in fact there was no single database, merely a programme that could link the department's various databases.)

This HRDC database (or collection of databases) could contain as many

as 2,000 elements on an individual, including education, marital/family status, language, citizenship and landed immigrant status, ethnic origin, mobility, disabilities, income tax data, employment histories, labour market activities, and use of social assistance and employment insurance. Yet despite its comprehensiveness, the database was relatively invisible to the public and there were important gaps in the legal framework protecting the confidentiality of the information acquired for the database.

The Minister responsible for HRDC announced less than two weeks after the release of the Privacy Commissioner's annual report that the database would be dismantled. She also promised to establish a strict new protocol to govern any future policy analysis and research projects.

By August 2000, HRDC had developed a test protocol for access to databases maintained by the department. The test protocol has been used since September 2000, and final approval of the protocol was being sought in late April 2001.

Under the test protocol, different branches of HRDC are permitted to use their own databases for research. Requests to do research that would require access to databases from different branches of the department are placed before the data bank review committee. As well, the review committee must be consulted if the research would involve personal information – for example, if personal information is needed to permit supplemental survey work. The committee in turn seeks the views of the Office of the Privacy Commissioner of Canada about the appropriateness of the research and then makes recommendations to the Deputy Minister.

Publicity about the database resulted in a flood of access applications. As of April 2001, about 70,000 individuals had requested access to information about them held by HRDC. According to HRDC, all access requests have since been met. The database that first gave rise

to the Privacy Commissioner's concerns has also been dismantled.

Further information: Details about the HRDC database case can be found at: <http://www.hrdcdrhc.gc.ca/common/news/dept/00-39.shtml>. The Privacy Commissioner's 1999-2000 annual report can be found at: http://www.privcom.gc.ca/ar/02_04_08_e.asp.

USA's Amtrak and Drug Enforcement Administration share names for profit

The New York Times (April 15th 2001) reports that US railway company Amtrak has been "sharing" information about passengers with the US Drug Enforcement Administration (DEA), and then taking 10 percent of assets seized from drug couriers.

The newspaper reports that a computer link from Amtrak's ticketing terminal in Albuquerque, New Mexico, to the local DEA office allows agents to monitor passengers' names and itineraries and to see whether they paid in cash or credit. The information helps drug agents to "profile" passengers and decide who will be searched.

An Amtrak spokesperson stated, "We don't believe there is a privacy issue here." The New Mexico branch of the American Civil Liberties Union disagrees and is investigating.