

Editor & Publisher

Stewart H Dresner
stewart@privacylaws.com

Associate Editor

Eugene Oscapella
eugene@privacylaws.com

News Editor

Alan Pedersen
alan@privacylaws.com

Newsletter Subscriptions

Gill Ehrlich
gill@privacylaws.com

Issue 63 Contributors

Martino Corbelli
Judith A Sullivan
Rosa J Barcelo
Professor Robert Clark
Robert N Veeder
Christoph Klug

Contributions

Contributions to this publication and books for review are always welcome. If you wish to offer reports or news items for consideration, contact: alan@privacylaws.com

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Privacy Laws & Business,
5th Floor, Raebarn House,
100 Northolt Road,
Harrow, Middx HA2 0BX, UK
Tel: +44 (0)20 8423 1300
Fax: +44 (0)20 8423 4536
internet: www.privacylaws.com

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privacy news

European Commission to investigate Microsoft's .Net Passport

Following a question to the European Parliament from Dutch MEP Erik Meijer, the European Commission may launch a probe into whether Microsoft's .Net Passport breaches data protection laws. The .Net Passport service collects web users' personal data in return for offering services such as online transactions and gaming. Meijer has suggested that the service does not offer users the option to unsubscribe and that a "vast quantity of personal data may be passed on to 'unknown parties' without the users' knowledge."

Whilst any action must be taken at a national level, the Commission has indicated its willingness to assist member states. In a reply to Meijer's Parliamentary question, the Commission's Internal Markets Director, Frits Bolkestein, said that the Commission will look into the claims "as a matter of priority".

For those interested in Meijer's question to the EU Parliament, contact the News Editor on Tel: +44 (0)208 423 1300, E-mail: alan@privacylaws.com

Responding to spam e-mail

Spam e-mail sometimes contains a note advising the recipient to send a "remove" or "unsubscribe" message to the sender to avoid further contact. However, this "unsubscribe" option may be a mirage.

US Federal Trade Commission (FTC) Chairman Timothy Muris, speaking on April 17th at the Twelfth Conference on Computers Freedom & Privacy in San Francisco, reported that most of the return e-mail addresses from the senders of spam did not work. In other words, the "unsubscribe" option was no option at all. Furthermore, Muris noted, some Internet experts argue

that replying to spam e-mail simply confirms the validity of the recipient's e-mail address. However, this was not the experience of the FTC. It found no cases where responding to spam led to an increase in junk e-mail, but Muris said he would challenge such practices should they occur.

He also promised action against the practice known as "pretexting". Pretexting involves an imposter calling a bank, for example, under the pretext of being a customer, to trick the bank into releasing confidential financial information. His expression of concern about pretexting echoes those expressed just days earlier at *Privacy Journal's* National Conference of Privacy Activists in Providence, RI.

Comcast sued for illegal data processing

US Internet Service Provider (ISP), Comcast, is being sued over claims that it breached the Cable TV Privacy Act 1984 by merging personally identifiable information (ie. Internet Protocol (IP) addresses) with subscribers' web surfing habits.

The law states that any such processing may be done only with the prior consent of the individuals concerned. The multi-million dollar lawsuit, seeking compensation for around one million of Comcast's customers, has been filed with the US District Court in Michigan by law firm Goren & Goren.

Although it admits recording and storing information such as IP and URL addresses, Comcast has denied allegations that any illegal practice occurred. In a statement released in February, Comcast's President Stephen Burke said "this information has never been connected to individual subscribers and has been purged automatically to protect subscriber privacy."

Annual report published by EU Working Party

The EU Article 29 Working Party has published its fifth annual report, covering the year 2000. In a foreword to the report, Romano Prodi, President of the European Commission, stressed the importance of data protection legislation, stating: "It is possible to achieve a balance that can satisfy the needs of security without ever forgetting that privacy is now also a fundamental right." The 130-page report details all the actions taken by the Working Party in 2000 and covers areas including the Safe Harbor Agreement, e-commerce and the adoption of the EU Data Protection Directive at a national level. The report also provides a useful index for the many reports already published by the Working Party.

*The two-part report can be downloaded from the following address:
http://europa.eu.int/comm/internal_market/en/dataprot/wpdocs/index.htm*

Canada's Privacy Commissioner a victim of identity theft?

It seems that nobody is immune from identity theft. On April 23rd, the Privacy Commissioner of Canada, George Radwanski, issued a media advisory warning that a fraudulent news release dealing with "Violation of Social Insurance Numbers" had been sent out to several organisations, purportedly from his office. The Commissioner's office provided no further details.

Computers Freedom & Privacy in San Francisco

The Twelfth Conference on Computers Freedom & Privacy was held in San Francisco from April 16th-18th. As might well be expected, many of the discussions at the conference focused on the reaction to events of September 11th. Roger Clarke, Visiting Fellow, Department of Computer Science, Australian National University, and an advisory board member for the conference, raised a few eyebrows

when he summed up the conference: "There was a lot less straight-talking at this conference than was the case in previous years. Many speakers were hedging, especially the (many) lawyers. It seemed to me that Americans have been cowed, somewhat by the terrorist strike, but even more so by their own rhetoric. As a foreigner, I felt that I needed to remind them that this is supposed to be 'the land of the free.'"

In his notes on the conference, Dr Clarke lamented the "drift towards excessive respectability" among those attending. "Probably as a consequence, the FBI appears in smaller numbers [a reference to the interest of the FBI in several of the more extreme delegates at earlier conferences]. I regret that loss of vitality."

Still, the conference provided an outstanding opportunity to examine information technology and its impact on freedom and privacy. Amidst the multitude of formal and informal discussions, several themes emerged: the impact of September 11th, the alleged excessiveness of the reaction to the attacks, and biometrics as a tool for identification.

*For further information about the conference, including several informative papers: www.cfp2002.org.
For Dr Clarke's papers: www.anu.edu.au/people/Roger.Clarke/DV/NotesCFP02.html*

Privacy Journal holds North American conference of privacy activists

Robert Ellis Smith, publisher of the US-based *Privacy Journal*, organised a highly successful gathering of privacy advocates in Providence, RI in mid-April. The conference was funded by grants from the settlement in an American lawsuit, Dennis vs Metromail. Metromail had hired prisoners in Texas to process data from consumer surveys. One of the prisoners telephoned Ms Dennis, an Ohio grandmother who had responded to the survey and threatened and taunted her, using his knowledge of the personal information she had

entrusted to Metromail.

After securing a multi-million dollar settlement, Ms Dennis donated \$1 million to "grass-roots" privacy activities. Part of this grant enabled Robert Ellis Smith and *Privacy Journal* to convene this gathering of more than 60 independent privacy activists from 24 US states and four Canadian provinces.

Three days of intense, informative and sometimes troubling discussions about privacy followed. Among the wide range of topics examined were public attitudes concerning privacy, tomorrow's intrusive technologies, litigating identity theft and aiding its victims, video surveillance and the value of a national identity card. On pages 20-27 we report on some of those important issues.

The consensus of the meeting was that this type of forum is necessary, and a secure privacy mailing list has since been established for the participants.

Sensitive data exposed on pocket PCs

Businesses are failing to recognise the security risks involved with Personal Digital Assistants (PDAs) and other pocket PCs. A survey commissioned by Infosecurity Europe and wireless security firm, Pointsec, has found that many workers download sensitive personal and business information onto PDAs without ensuring adequate security. Users fail to encrypt sensitive data or even have a password setup when turning the device on. This could leave companies in breach of data protection legislation, as 71 per cent of workers who download customer information onto their devices are not encrypting the data. The report also highlights the lack of company policy and education about security issues. Two out of three users are not given any formal policy or guidelines on the correct procedures.

*For more information see:
www.pointsec.com/news/news.asp?newsid=107*