



# PRIVACY LAWS & BUSINESS

DATA PROTECTION & PRIVACY INFORMATION WORLDWIDE

## KPN brought to task over disclosure of subscriber details

Why is this Dutch telecoms firm in breach of the Dutch Data Protection Act, and what does it plan to do about it? **Joe Figueiredo** reports.

For several years now, KPN, the Dutch telecoms giant, has been selling to direct marketers name-and-address information on its unlisted subscribers, with neither their knowledge nor approval. Following a year-long investigation, KPN was notified in a letter dated August 25th 2003, stating that this business practice was considered 'most irregular'.

Furthermore, the Dutch privacy authority (CBP), and the Dutch telecoms regulator (OPTA), who jointly conducted the investigation, have given KPN four weeks to explain how and when it intends to put a halt to this practice, and its plans to inform existing and new subscribers of its policy on unlisted numbers.

Under the Data Protection Act, the CPB is empowered to impose penalties and exercise 'administrative coercion' in cases where companies refuse to comply. However, KPN could appeal any decision and subsequent action to the CPB, and ultimately take any grievance to the Dutch courts.

### A MATTER OF CHOICE

In 1993, the Dutch PTT Telecom (KPN's predecessor) promised consumers that it would never divulge such information. But then in the mid-90s, KPN revised its policy on unlisted numbers without informing consumers or unlisted subscribers 'sufficiently'. Following complaints

from subscribers, the CBP, supported by OPTA, initiated the investigation in July 2002.

"Trading such information for legitimate purposes is perfectly legal," explained Jan Willem Broekema, one of three CBP commissioners who are legally empowered to investigate matters

relating to the Dutch Data Protection Act. "However, not informing the information owners - especially unlisted subscribers who by their very nature are sensitive to breaches of privacy - sufficiently of this practice, nor offering them a proper opportunity to opt-out, is unlawful," he continued. "KPN's opt-out procedure is cumbersome,

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