

## Editorial

### *In her new role as Editor, Bridget Treacy opens Volume 9 of Privacy & Data Protection*

Another day, another data breach ... or so it seems. This month the Ministry of Defence ('MoD') and Virgin Media have been in the spotlight following data losses.

There are signs too that headline-creating data breaches are no longer the preserve of the UK. This month, the German media reported that T Mobile (a subsidiary of Deutsche Telekom) was hacked into, resulting in the loss of data relating to 17 million customers, including politicians and business leaders. A German data breach law now appears certain.

However, the Information Commissioner, Richard Thomas, has urged organisations not to focus on data security at the expense of other aspects of data protection. Delivering the keynote speech at PDP's 7th Annual Data Protection Compliance Conference in London on 2nd October 2008, Richard Thomas emphasised the risks of ignoring the principle of data minimisation (see page 12 for the highlights of the speech). He encouraged organisations to be very clear about why specific data are collected, and for what purposes those data are to be used. He also encouraged a focus on transparency and proportionality in processing data, and urged organisations to implement procedures which guard against the unnecessary retention or aggregation of data.

At a practical level, the Information Commissioner's Office ('ICO') has taken steps to encourage people to exercise greater control over their data. The ICO has launched a Personal Information Healthcheck, which assists individuals in taking stock of the personal details which organisations hold about them. The ICO is concerned that, although people are becoming more aware of the dangers of allowing their information to fall into the wrong hands, many are not using their existing legal rights to protect their privacy. We may well see a surge in the number of subject access requests as a result of this initiative.

At an organisational level, Richard Thomas explained to PDP conference delegates that data protection governance and accountability require a structured approach. The three key areas for organisations to focus on are: (i) sound policies and procedures; (ii) technology and system architecture which supports privacy objectives; and (iii) staff who are trained in data protection principles and aware of privacy risks.

This is timely guidance given the widespread support for increased enforcement powers for the ICO and the likelihood that spot-checks and inspections will become a standard component of the ICO's enforcement toolkit. Organisations need to begin now to review and update their data protection compliance programmes. Many organisations adopt, at best, only a piecemeal approach to this issue. Often organisations have little in the way of data protection policies and procedures; for many, a basic website privacy notice and an IT security policy suffice. Experience of dealing with a significant number of data breach incidents suggests that such an approach is simply inadequate. The absence of meaningful data protection policies and procedures was, according to the Poynter Report into the HMRC data loss, a sign that no one at HMRC took responsibility for data protection (see *Privacy & Data Protection*, Volume 8, Issue 7, pages 7–8).

The theme of data breach and compliance feature strongly in articles published in this edition of *Privacy & Data Protection*, notably in Gabriella Wright's very practical insights into dealing with staff data breaches. Further, security consultant Peter Wood has written an informative article on identity theft. In addition, Nick Graham has provided interesting commentary into the data protection issues which arise in the context of biometrics.

This week privacy experts from around the globe will be gathering in Strasbourg for the 30th International Data Protection Commissioners' Conference, which has as its theme "Protecting Privacy in a Borderless World." Data breach, privacy compliance, and accountability are on the agenda, together with the challenges of dealing with global data flows. Readers can expect some interesting insights in the next edition!

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