



# Recent Developments in UK Data Protection Law

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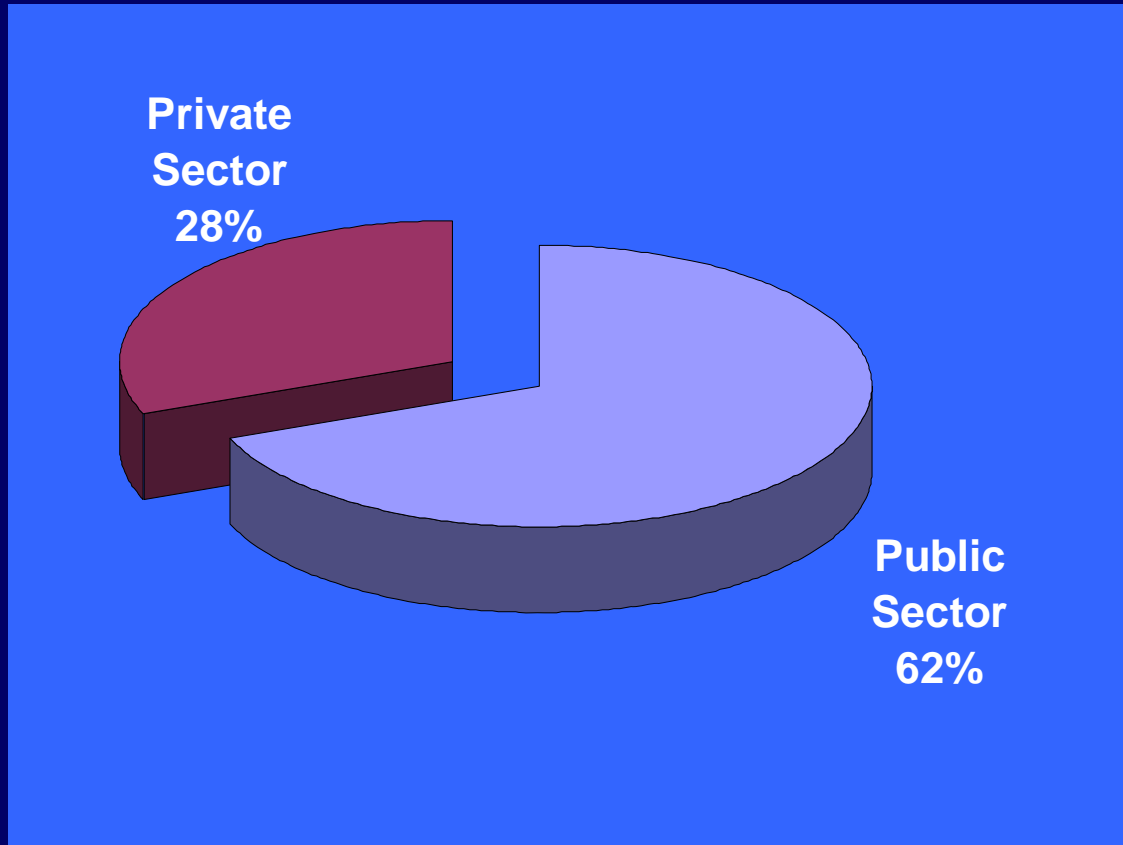
Partner

# A reminder from December 2007 . . .

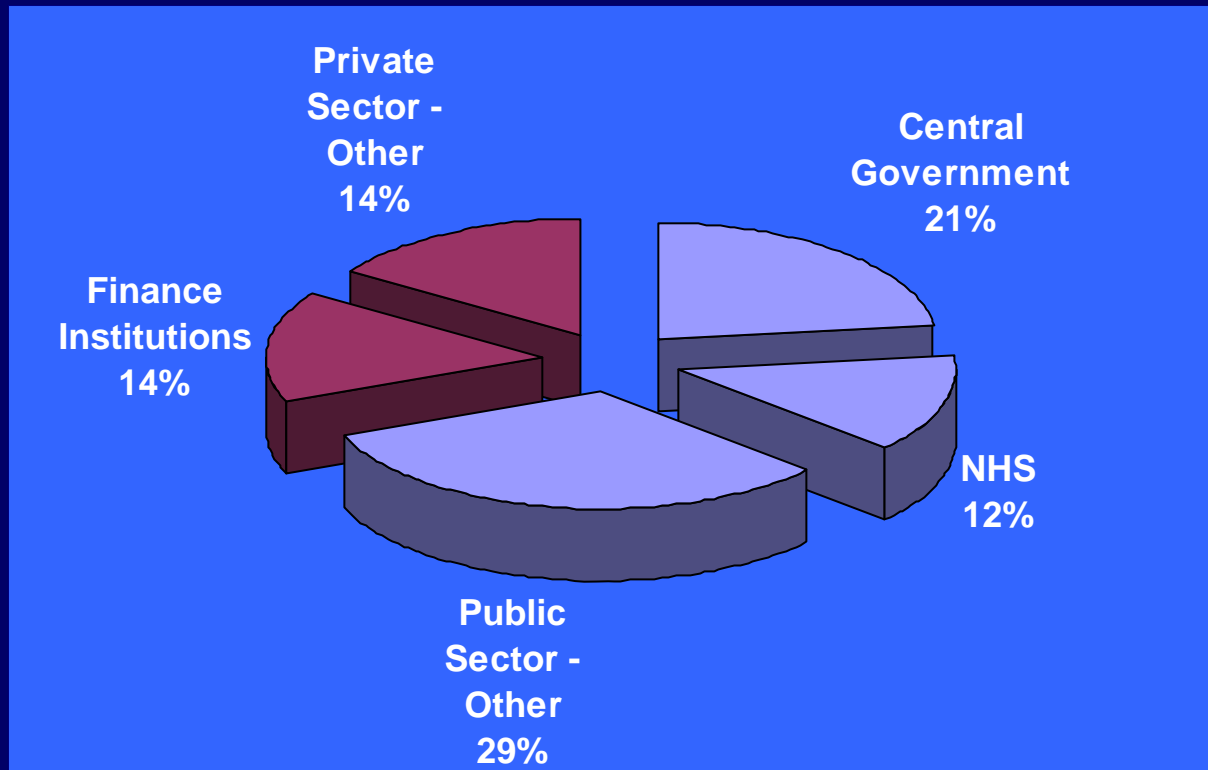


BBC Clip.asx

# Who is getting it wrong ?



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## The Telegraph

BRITAIN'S LEADING NEWS PAPER

www.telegraph.co.uk

NEW BRITAIN'S LEADING NEWS PAPER

Monday 11 October 2008

### M&S 'data protection breach'



Information Commissioner's Office

### Virgin Media Limited found in breach of data protection

30 September, 2008

## FT .com

FINANCIAL TIMES

### D Telekom loses personal data on 17m customers

By Chris Bryant in Berlin  
Published: October 5 2008

## THE TIMES

WEDNESDAY FEBRUARY 14 2007

### Nationwide fined almost £1m over laptop loss

## vnunet.com



### Nine out of 10 firms put customer data at risk

National ID fraud event reveals lax corporate attitudes

Written by David Neal  
[vnunet.com](http://vnunet.com), 06 Oct 2008

National Identity Fraud Prevention Week is aimed at advising consumers and businesses on best practice

# FSA Report Findings

- Many firms are not proactively checking that third-party suppliers vet their employees or have adequate security arrangements in place to prevent unnecessary access to customer data
- Many large and medium sized firms devote adequate resources to data security risk but placed too much emphasis on IT controls and not enough on staff awareness and training or regular risk assessments
- Many small firms were wholly reliant on compliance consultants, who did not understand the importance of data security within the firm

## Current legislation - the problem ?

Commissioner (“ICO”)

- Lack of sanctions available to the Information
- Need to modernise UK regime by increasing powers of
- Increase public confidence following a number of high
- Place ICO on comparable footing to other UK

# Developments

- Criminal Justice and Immigration Act (“CJIA”) received
- Provides Home Secretary with powers to implement
- ICO will be able to serve penalty notices on data

*\* requires implementation of additional legislation*

## Developments (cont'd)

- Government-commissioned review on data sharing was published in July 2008
- Key recommendations included:
  - Giving the ICO a statutory power to gain entry to relevant premises

## Developments (cont'd)

- Consultation paper published by the government in July 2008
- Contains proposals to:
  - Enhance ICO powers to enable the time and place that information
  - Increase powers to demand certain information during on-site
  - Permit ICO to apply for a warrant where he does not have reasonable

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