



DATA PRIVACY:

MONTHLY HIGHLIGHTS

| DON HARRIS

Massachusetts Finalizes Data Security Regulations.

On November 4th the Massachusetts Office of Consumer Affairs and Business Regulation announced its final regulations (201 CMR 17.00) prescribing how entities owning or processing personal information of Massachusetts residents must protect such data. The most significant changes in the regulations, which come into effect on March 1, 2010, extend the coverage of the regulations to entities that merely store personal information on behalf of others and add two years to the date by which companies must apply specific rules to contracts with service providers. The core of the regulations is the mandate of having a comprehensive, written information security program, including the encryption of laptops and other portable devices.

Commissioners Approve Draft Global Data Privacy Standard.

A new draft global data privacy standard was unanimously approved by 80 Data Protection Authorities from 42 countries at the 31st annual privacy commissioners' conference held early in November in Madrid. While not legally binding, the draft supplements the level of protection provided by the EU Data Protection Directive with the best components of privacy codes or laws in various regions of the world. For example, it includes provisions for data breach notifications and incorporates strong provisions relating to accountability and pro-active governance. The draft also dramatically expands the definition of sensitive data. While its development into a binding international instrument would require many years of effort, the draft is likely to be very influential and serve as a significant point of reference. Presentations from the annual conference in Madrid are available online.

Department of Commerce to Review Safe Harbor Privacy Policies

The U.S. Department of Commerce announced that it will review the privacy policies of participants in the Safe Harbor program to ensure that they clearly indicate adherence to the Safe Harbor Privacy Principles. However, the review will only occur as companies come up for their annual re-certification. This new effort to meet European criticism of the program, stemming in part from the study released last year by Galexia, an Australian consultancy, was announced by the DOC's Damon Greer at the Conference on Cross Border Data Flows, Data Protection and Privacy held in Washington, DC on November 17-18. 🌐

About the Author: Don Harris is a Global Data Privacy Expert with Jeitosa and the President of HR Privacy Solutions. He has over 20 years of experience and is internationally known expert, author and speaker on HR data privacy issues. He can be reached at don.harris@jeitosa.com.