



DATA PRIVACY:

MONTHLY HIGHLIGHTS

| DON HARRIS


FTC Declines to Address Adequacy of Safe Harbor Policies

The FTC, in responding to a comment received on the proposed settlement reached with one of the six companies recently found to have let its Safe Harbor certification lapse, made it clear that it does not find deficiencies in a company's published Safe Harbor privacy policy to constitute a violation of the Safe Harbor framework," Chris Connelly, a principal in Galexia, an Australian consultancy, and author of a 2008 critique of Safe Harbor, had pointed out that the policy issued by Directors Desk LLC did not include information on enforcement or complaints. The FTC decision to focus its enforcement activities only on a company's "substantive practices" is the likely reason the Department of Commerce announced in November that it would begin reviewing the adequacy of Safe Harbor privacy policies when companies re-certify.

UN Watchdog Calls for International Privacy Agreement

Martin Scheinin, Special Rapporteur to the UN Human Rights Council, delivered a report calling for a new international agreement on privacy in response to a worldwide increase in intrusiveness due to counter-terrorism measures. His 35-page global assessment of the state of privacy closely follows, although it does not mention, the call for a new international privacy convention issued by privacy commissioners in Madrid last November.

UK DPA Receives Power to Impose £500,000 Fines

Following a public consultation, the UK Ministry of Justice has concluded that the Information Commissioner should be given the power to impose fines of up to £500,000 (approximately \$800,000) for serious breaches of the Data Protection Act 1998. The fining authority is expected to come into effect on April 6, 2010. 

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