

NEWSLETTER ON PERSONAL DATA PROTECTION



September 2008, No. 8 (12)

State Data Protection Inspectorate – the Governmental Authority of the Republic of Lithuania, established in 1997 by the Resolution of the Government of the Republic of Lithuania of 10 October 1996 “Concerning the setting up of the State Data Protection Inspectorate”. The State Data Protection Inspectorate handles complaints by persons, checks the legitimacy of processing of personal data, provides consultations to data controllers and data subjects, administers the State Register of Personal Data Controllers, makes recommendations to state and municipal institutions and agencies on issues pertaining to the processing of personal data, protection and performs other functions vested to it by the law.

The abbreviations used in the Newsletter:

SDPI – State Data Protection Inspectorate of the Republic of Lithuania, LLPPD – the Republic of Lithuania Law on Legal Protection of Personal Data

IN LITHUANIA

On the 3rd of September 2008 the chief specialist of Information and Technologies Division of SDPI Tomas Poškevičius participated at the workshop organized by State Labour Inspectorate “Data security of information system in permanent surveillance of the working conditions at workplace”. At this event the representative of the SDPI delivered a report “Requirements according to the Law on Legal Protection of Personal Data”, shared the experience with the other participators on issues pertaining to data protection, answered the questions.

Legal acts relevant to data protection, in force in September

On the 18th of September 2008 was adopted the Republic of Lithuania Government Resolution No. 918 “On Draft Law amending Law on Property Declaration No. XP-2152(2) of the Republic of Lithuania and Draft Law on Supplement to and Amendment of Articles 15 and 29 of Law on Public Service No. XP-2153(2) of the Republic of Lithuania”.

Order of 24/09/2008 of Minister of the Interior of the Republic of Lithuania No. 1V-338 “Regarding the amendment of the Order of the Minister of the Interior of the Republic of Lithuania of 30/03/ 2007, No. 1V-115 “On Approval of description of procedure for provision of data from departmental register of suspects, accused and convicted persons”.

IN THE EUROPEAN UNION

Participation in the activities of Working Groups and meetings

On the 9th of September 2008 the Chief Specialist of Information and Technologies Division Raminta Sinkevičiūtė participated at the Article 29 Working Party of Directive 95/46/EC JLS subgroup meeting in Brussels (Belgium) on Schengen information system (SIS II) informing campaign.

The aim of the event was the preparation to the SIS II information campaign. There were outlined the main and additional means for informing. Also was considered the SIS II information campaign’s strategy spreading, the planned events for the years of 2009 and 2010.

Experience of Belgium: opinions on using the new means for informing the public and on the digital television and the private life protection.

The Commission for private life protection of the Belgium Kingdom (hereinafter – the Commission) has published two Opinions on private life as regards personal data protection in connection of usage of new means for informing the public. In the Opinions, the Commission points out to the threats arising to the private life and the requirements which are to be observed by the providers of new means for informing the public in processing of personal data.

The information in the documents of the Commission are relevant to Lithuania as to a Member State of the EU. In Lithuania the new means for informing the public became in use, thus it is necessary for the data subjects and data controllers as well as data processors to be aware of what threats may be expected for the private life, in respect of personal data, during the transitional period from analogues to digital television, what threats implicates the usage of the interactive television.

In the Opinion of the Commission of 19 September 2007, No. 29/2007 "The new ways of usage the means for informing the public: from analogue to interactive television and on new ways of usage of means for informing the public" it presents the position, that whatever the new developments might be attractive and beneficial, in any case they are posing certain threats to person's private life. Commission also presents an assessment and eventually draws the conclusion that in the use of new means for informing the public the principles for protection of private life regarding the processing of personal data should be observed, in comply with the legal requirements, and all the competent institutions must take care it is achieved.

In the Opinion of the Commission of 7 January 2007, No. 06/2006 "Digital television and protection of private life" the Commission claims that in the sphere of the digital television there should be observed the provisions of Law on Private Life Protection in terms of processing of personal data, storage duration and the duty to notify and protection. The Commission also notes that it would be beneficial to compile a Code of Professional Ethics, applicable to legislation regulating the private life protection in the sphere of digital television.

Data Protection Authority of Germany welcomes the Draft Bill on Genetic Diagnostics

According to information of Data Protection Authority of Germany, it's commissioner Peter Schaar, welcomes the draft bill on processing of genetic data adopted by the Federal Government. The Commissioner reminded that the data protection officials have repeatedly noted the necessity of the legal basis for processing of genetic data. In particular it is important to prohibit the genetic tests in workplace and in the insurance industry. This prohibition is supposed to guarantee that persons with genetically caused risk will not be at a disadvantage. It is understandable for the Commissioner that in connection with certain insurances (e.g. life insurances) before the signing of a contract, results of a genetic test that are already known can be required if a particularly high insurance sum has been agreed upon. However, in his opinion, the minimum sum of 300.000 Euro foreseen in the draft bill seems to be too low.

The Data Protection Authority of Germany also welcomes the principle that in future it will only be allowed to carry out genetic examinations if the data subject has given his consent to this examination following detailed information about such examination's purpose and possible consequences. The Authority also welcomes the provision that in future covert genetic tests are to be sanctioned, thus in the ongoing legislative procedure the Commissioner will plead that particularly serious cases would be prosecuted not merely as administrative offences but by more appropriate penal sanctioning. P. Schaar also expressed regret for the absence of provisions in the draft bill on processing of genetic data for scientific research purposes.

(Federal Commissioner for Data Protection and Freedom of Information of Germany, August 28, 2008)

The United Kingdom Information Commissioner's Office calls on consumers to take control of their personal information

ICO launched the new online health check at www.ico.gov.uk/infohealthcheck.

The Information Commissioner's Office of the UK is calling on consumers to exercise their rights under the Data Protection Act to help minimize the amount of personal information held about them by organizations. This follows a number of recent data breaches by high profile organizations which demonstrate the risks if too much personal information is kept. Namely for this purpose the Data Protection Authority of the UK is launching the Personal Information Health check – a new online tool to help consumers do their bit to protect and manage their personal information. In Great Britain 95 per cent of people are more aware than ever of the value of their personal information and considering it “quite” or “very” valuable, and more than 70 per cent claiming to routinely shred personal documents. The Authority points out that whilst recent headlines may have made people more aware of data security, their information may be unnecessarily at risk because they are not asserting their rights. Although individuals' awareness of their rights under the Data Protection Act is at an all time high, 44 per cent of Britons have never considered contacting an organization to find out what information it holds about them. In addition 40 per cent have admitted they would hand over their details to a company without knowing whether it was trustworthy – being more concerned about the lure of a product or service, or being dazzled by a professional appearance. Deputy Commissioner at the ICO David Smith declares, that sometimes people have no choice but to provide required personal data to organizations, yet the more information we provide, the greater the risk that it will become out of date, be held for too long, or fall into the wrong hands. It is time for more people to stand up and use the rights they have under the Data Protection Act. According to him, the more people that use their rights to check what information is held about them, the stronger the signal to organizations that the mismanagement of people's personal data will not be tolerated”.

Thus, people are urged to take the protection of their personal information even more seriously. The health check, prepared by the data protection institution, is suitable for everyone, whether they've never before thought about protecting their personal information or could just benefit from a few extra tips and ideas. The test gives tips on how to take control of your personal information and help protect yourself from identity crime. It takes just a few minutes to complete it and provides advice on many aspects of protecting personal information with a tailored summary and suggestions depending on how well the person has scored.

(Information Commissioner's Office of the United Kingdom, www.ico.gov.uk, 24.09.2008)

SHORTLY

The first Privacy OS project conference

On the 13 to 15 October, 2008 at the European Parliament (Strasbourg) in France the conference on the first Privacy Open Space project will be held, under the patronage of Alexander Alvaro (M.P.).

The Privacy Open Space is the European project aiming to bring together the industry, SMEs, Government, Academia and Civil Society to foster development and deployment of privacy infrastructures for Europe.

The general objects of the project are to create the long-term co-operation in the thematic network and implement the common interfaces with the other EU projects. The participants are offered an opportunity to share the scientific experience and good practice, develop strategies in joint projects following the four main policy goals: enhance awareness, develop privacy in internet, foster privacy friendly identity management and stipulate research.

The conference is primarily intended for the legal and technical IT experts, IT product developers or service providers, also to data protection institutions. More information about the project and the conference you may find at www.privacyos.de.

The 30th international conference of privacy and data protection commissioners will take place on October 15-17, 2008 in Strasbourg (France). The subject of the conference is “Privacy protection in a Borderless World”.

It is for the first time that the conference is organized jointly by the two countries – France and Germany. Both Data Protection Institutions in 2008 are celebrating the 30 years anniversary of their activities.

This annually organized conference gathers up 78 data protection institutions and privacy commissioners from all the continents. This event invites people engaged in economic activities, representatives of public sector and of civil societies providing all the participants with the exceptional opportunity to handle personal data and privacy issues, exchange information about their organizations and adopt resolutions related to the most challenging areas in particular covering the relevant events. More information on the conference is available on the website http://www.privacyconference2008.org/index.php?page_id=1.

The Newsletter can be accessed by order on the State Data Protection Inspectorate website: www.ada.lt in column “News subscription”.