

DATA PROTECTION AND PRIVACY

THE SHIFTING LANDSCAPE

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A one-day conference organised by JUSTICE and Sweet & Maxwell

Wednesday 3 December 2008 – Pinsent Masons, 30 Aylesbury Street, London EC1R 0ER

Keynote speakers

Mr Justice Tugendhat

Richard Thomas, The Information Commissioner

Speakers

Stephen Deadman, Vodafone

Louise Guss, Commission for Social Care Inspection

Peter Hustinx, European Data Protection Supervisor

Rosemary Jay, Pinsent Masons

Professor Steve Peers, University of Essex

Timothy Pitt-Payne, 11KBW

Mark Warby QC, 5 Raymond Buildings

**An up-to-the-minute examination
of key issues surrounding privacy and
the use and abuse of personal data**

- Sharing data between organisations or departments
- Privacy and the media
- Children and the internet
- Surveillance
- Data protection and freedom of information
- and much more...



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WHY YOU SHOULD ATTEND

The digital revolution is a double-edged sword.

The ease of collection, storage and transfer of data has transformed our relationship with businesses and public bodies. We want to access information in an instant. We expect ever greater degrees of personalisation in our dealings with organisations. We expect global service from business. We demand efficiency in public services.

Yet we also expect our privacy to be protected – and recent high-profile lapses of security have shown just how vulnerable personal data is. Consumers voice concerns about the vulnerability of personal data once it leaves the UK.

Businesses and public bodies are struggling to keep up with the pace of change. Is the law on data protection also behind the curve?

UNDERSTAND THE LATEST DEVELOPMENTS

Data Protection and Privacy: The Shifting Landscape is a one-day conference that examines the key contemporary issues surrounding privacy and the use and abuse of personal data. The conference's comprehensive coverage reflects the wide range of activities now affected by privacy issues:

- Sharing data between organisations or departments
- Privacy and the media
- Children and the internet
- Surveillance and the care of the elderly and vulnerable
- Developments in the EU
- Data protection v freedom of information
- Breaches, notifications and fines

A series of **specialist breakout sessions**, each run by leading experts, allows you to tailor the day to your own concerns.

"The challenges in this area are going to get harder rather than easier. The pace of technological change is quickening. The level and sophistication of external threats, such as e-crime, is increasing. Plans to improve public services will mean greater use of data within organisations and more data sharing."

**Data Handling Procedures in Government:
Final Report June 2008**



JUSTICE is a UK-based charity. It promotes access to justice, human rights and the rule of law – through research, education, lobbying and interventions in the courts. For more information visit www.justice.org.uk

KEY TOPICS WILL INCLUDE:

- **On the front line** – how does the Information Commissioner see the future of data protection and the future of data sharing after the Walport-Thomas review?
- **Data sharing** – how does European law deal with assessing proportionality where the privacy rights of individuals are engaged?
- **From butter-fingers to a safe pair of hands** – what are the latest issues influencing data handling in government departments?
- **Benign concern or unwarranted intrusion** – when is it acceptable to use surveillance on vulnerable groups?
- **Privacy versus the right to know** – striking a balance or pulling the system apart?
- **European developments** – what are the implications for UK practitioners and policy-makers?
- **Giving too much away** – what are the legal issues around children's use of social networking websites?

WHO SHOULD ATTEND?

- Solicitors and barristers working in:
 - Human rights
 - Public law
 - Community care law
 - Media law
 - Data protection
 - Freedom of information
- Professionals working in local authorities and public bodies:
 - Legal departments
 - Data protection and data compliance
 - Social services
 - Freedom of information
- Policy-makers
- Academics
- NGOs

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PROGRAMME

9.00 Registration with coffee

9.30 **Keynote Speech**
 Mr Justice Tugendhat

10.00 Data-sharing: proportionality and privacy

Peter Hustinx, European Data Protection Supervisor
 However much guidance is provided, data controllers will always be faced with cases in which they have to strike a balance between privacy and disclosures. This session reviews:

- When such a balancing exercise might be necessary
- How it should be approached
- Relevance of recent caselaw of the European Court of Justice and the European Court of Human Rights

Chair: Roger Smith, JUSTICE

11.00 Coffee

11.30 Breakout sessions (choose one session from the following two)

1. Media and privacy

Mark Warby QC, 5 Raymond Buildings
 • Public authorities and media access
 • Practical lessons from developing caselaw
 • Use of photos or video and consents
 • Justification for publication

Chair: Jennifer McDermott, Withers LLP

2. Children, privacy and the internet

Stephen Deadman, Executive Solicitor, Vodafone Group Services Ltd
 • Children's internet behaviour and social networking
 • Safeguards, best practice and industry responses
 • Tensions between child protection and privacy
 • Commercial dealings with children
 • Concepts of privacy and consent for children and adolescents

Chair: Roger Smith, JUSTICE

12.15 Breakout sessions (choose one session from the following two)

3. The use of surveillance techniques in the care of the elderly and vulnerable groups

Louise Guss, Head of Legal Services, Commission for Social Care Inspection
 • Duties v responsibilities
 • The weight to be given to choices and consents
 • Tagging and dementia
 • Drawing the line between care and inappropriate intrusion
 • Appropriate surveillance

Chair: Roger Smith, JUSTICE

4. Privacy and movement in the EU

Professor Steve Peers, School of Law, University of Essex

National data protection rules apply to data within the EU countries but there are an ever-increasing numbers of new databases developed to hold information on movement with many being shared data systems which are outside national laws. In this session the nature and number of these systems is described and the privacy implications for individuals considered.

- National databases
- Shared databases
- Purpose and use of the data
- Supervision
- Individual rights

Chair: Rosemary Jay, Pinsent Masons

13.00 Lunch

14.00 Keynote Speech

Data Protection: Looking ahead

Richard Thomas, The Information Commissioner

- Reputation and Regulation
- Drivers for change - technology, globalisation, and politics
- Challenges - security and data minimisation
- New powers and resources for ICO
- Changing EU and UK data protection rules

15.00 The interface of data protection and freedom of information

Timothy Pitt-Payne, 11KBW

- Decisions of the courts and the Information Tribunal
- The boundaries of, and the balance between, the public and private domains
- The demands of transparency

Chair: Eric Metcalfe, JUSTICE

15.45 Tea

16.15 Notification, breaches and fines

Rosemary Jay, Partner, Pinsent Masons

- The extent of obligations to notify regulators or data subjects in the event of a breach
- Circumstances in which notification is inappropriate
- Procedures to follow
- Safeguards to apply
- Powers to fine under the Criminal Justice and Immigration Act 2008
- Guidelines on the exercise of those powers

Chair: Roger Smith, JUSTICE

17.15 **Close of Conference** – followed by a drinks reception

Data Protection and Privacy: the Shifting Landscape

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Pinsent Masons, 30 Aylesbury Street, London EC1R 0ER

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