

Social and Legal Issues in Informatics

MSc Management – IS and Services Science

Data Protection

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(Some slides provided by Roger Johnson, Birkbeck College,
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Data Protection Acts

- First Act passed in 1984
- By mid-1990s problems included online capture of personal data via cookies etc, junk email – “spam”
- European Directive on Data Protection leading to
 - 1998 Data Protection Act
 - Privacy and Electronic Communications (EC Directive) Regulations 2003

Data Protection Act 1998

- Key player is the Office of the Information Commissioner
- Runs an excellent informative web site on Data Protection
- www.informationcommissioner.gov.uk

Swiss Federal Act on Data Protection 1992 / 2008

- Legal grounds for data processing (by private individual)
- Legal grounds for processing by authorities
- Provisions concerning sensitive data (processed by authorities)
- The data subject's right to be informed (by the authorities processing his/her data)
- The data subject's right of access to her/his data
- The data subject's right to object (Prohibition of disclosure)
- Transfer of personal data to third countries
- Supervisory authority
- <http://www.dataprotection.eu/pmwiki/pmwiki.php?n=Main.CH>
- <http://www.edoeb.admin.ch/org/00828/index.html?lang=en>

CH - LIPAD

- **Loi sur l'information du public, l'accès aux documents et la protection des données personnelles (LIPAD)**
 - http://www.ge.ch/legislation/rsq/ff/rsq_a2_08.html
- Préposé à la protection des données et à la transparence (PFPDT)
 - Federal
<http://www.edoeb.admin.ch/dokumentation/00444/01010/index.html?lang=fr>
 - Geneva
<http://www.ge.ch/ppdt/>

Privacy

- European Convention on Human Rights states:
“Everyone has the right to respect for his private and family life, his home and his correspondence”
- Led to UK Regulation of Investigatory Powers Act 2000 (RIPA – see Governance lecture)

Rights of Data Subject

- Right to access information held about data subject (“you”).
- Right to ask an organisation to stop sharing information about data subject.
 - .. But ... they only have to do so where the sharing causes unjustified damage or distress.

Data Protection



- <http://www.youtube.com/watch?v=ttV48dVQg-Y>
- [My Data – Your business?](#)

Data Protection Act - Principles

1. Personal data shall be processed fairly and lawfully and in particular shall not be processed unless
 - (a) data subject has given their consent and
 - (b) for sensitive data, data subject has given their explicit consent

Failing to tick an opt-out box is not sufficient for (a) and for (b) processing and any possible disclosure must be explained

Data Protection Act - Principles

2. Personal data shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with those purposes

Data Controllers must tell the Information Commissioner what data they are collecting and the purpose for which it is being collected

Data Protection Act - Principles

3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed

Data cannot be collected that is not needed, for example shops collecting customers addressing when not delivering goods

Data Protection Act - Principles

4. Personal data shall be accurate and, where necessary, kept up to date

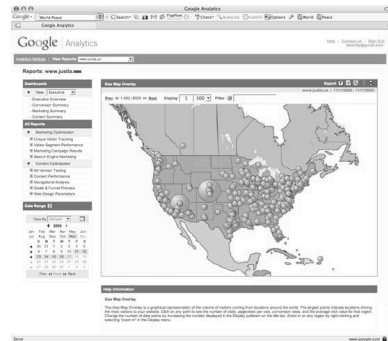
Very difficult. Universities are often not told of changes of address by students and it is very difficult for the university to update its records

Data Protection Act - Principles

- Personal data shall not be transferred to a country outside the EEA unless the country ensures an adequate level of protection for the rights and freedom of data subjects in relation to the processing of their personal data

This both protects an individual against having personal data transferred to countries lacking appropriate legislation while expressly permitting organisations to export data to countries that do

Use of Google Analytics



Use of Google Analytics

- Problem:
 - IP address is a private data, needs to be protected
 - Ville de Genève wanted to use Google Analytics for establishing statistics of access to its web site.
 - This requires IP address, geographical location, time of user of web site to be sent to Google (in the US).
- Solution
 - inform users about this
 - Advice to users to close any other internet site (e.g. emails, chat, etc)
 - Respect 9., because Google has a "Safe Harbour" agreement with Switzerland
- http://www.ge.ch/ppdt/doc/documentations/PPDT_Agrement_no_9_Ville-GE_Google-Analytics_2010_05_20_V.pdf
- Other agreements (Geneva PPDT):
- <http://www.ge.ch/ppdt/documentations.asp>

Tesco ClubCard



- Scrutinise shopping profile of customers
 - Targeted offers
 - Strategic choices (opening more small shops)
 - Sharing with other companies
- <http://www.ft.com/cms/s/0/f90ed19a-7129-11db-8e0b-0000779e2340.html>

"We are actually analysing what you do in a grocery store. The success of Dunhumby's approach lay in not just saying 'you are Oxbridge-educated, and born in the north, therefore you behave in these ways', but instead saying who you are is driven by what you buy - so we group people by products - and by how you behave. So we will look at people who shop in an Extra once a month, or a Tesco Express five times a week. It is an extremely good, thoughtful tool for analysing food shopping."

At the simplest level, Tesco divides its customers into "convenience" shoppers (sub-divided into "time-poor, food-rich" and "can't cook, won't cook") and "price-sensitive" ones ("stretching the budget" and "cheapest I can find"). There is also the 29 per cent who are more discerning and opt for "finer foods" (whether "natural chefs" or "cooking from scratch"). The "mainstream" customers (who buy lots of "kids' stuff", or "commonplace brands") are the mid-market group. "Less affluent" shoppers make up 27 per cent of Tesco's demographics; there are sub-categories - "traditional" and "price sensitive" - in that segment too.

By knowing these customers, Tesco can guess what they might like. Mason says that Clubcard data informed a series of strategic decisions, such as the move into smaller-store formats and the launch of the internet shopping site. It also shaped the development and sale of Tesco mobile phones, pet insurance and the Finest food range.

Tesco Club Card

This information is also stored in a vast search engine that can be used by suppliers trying to launch products. Dunhumby makes about £30m a year selling Tesco data to more than 200 consumer-goods companies, such as Procter & Gamble, Unilever and Coca-Cola. Within hours of launching a product or introducing a promotion into a local Tesco store, brand managers can track who is buying their products or responding to their promotions. Are they empty-nesters or young mums, lawyers or factory workers? "If you understand who is buying and how they are buying, you can make better decisions," Hayward says. "The joy of our sample is that it is so large, and because Tesco is so representative of the country it is the best source of insight a supplier can get."

SWIFT

Swiss Privacy Commissioner claims SWIFT and Swiss banks infringed privacy law

24/10/2006

Below is the archived opinion, available on the [Commissioner's website](#).

Access to SWIFT Transaction Data – Opinion of the Federal Data Protection and Information Commissioner

I. Introduction

Most international payment transactions are processed by the Belgian-based Society for Worldwide Interbank Telecommunication (SWIFT). In June of this year the media revealed startling information according to which the US administration had obtained access to SWIFT transaction data within the context of its efforts to combat terrorism.

From a legal perspective, data protection is quite clearly one of the central issues. This explains why the data protection authorities of numerous countries have sought clarification. As SWIFT is headquartered in Belgium, the investigation by the country's Commission de la protection de la vie privée is of particular importance. The Privacy Commission published the result of its work on 27 September 2006.

After receiving information about these developments from the press, the Federal Data Protection and Information Commissioner (FPDIC) contacted the most important players in the Swiss banking sector to obtain more details. The present opinion is based on the knowledge thus gained, on the Belgian report, as well as on the position of the Swiss Federal Council for the attention of the Control Committee of the lower house of the Swiss parliament of 4 July 2006.

- [http://www.privacyinternational.org/article.shtml?cmdf\[347\]=x-347-546363](http://www.privacyinternational.org/article.shtml?cmdf[347]=x-347-546363)

Google – Privacy case with Street View

24 October 2010 Last updated at 19:42 GMT

Privacy body to re-examine Google



See how Web 2.0 is changing chemistry at BASF

Google's Peter Barron: "We've determined to learn the lessons from this mistake"

Britain's privacy watchdog is to look again at what personal information internet giant Google gathered from private wi-fi networks.

- <http://www.bbc.co.uk/news/technology-11614970>

Privacy and Electronic Communications (EC Directive) Regulations 2003

- **Telecommunication network and service providers and individuals :**
 - use of publicly available electronic communications services for direct marketing purposes
 - unsolicited direct marketing activity by telephone, by fax, by electronic mail (this means text/video/picture messaging and email) and by automated calling systems
- **Telecommunication network and service providers only:**
 - processing of electronic communications traffic data
 - location data and billing data
 - calling or connected line identification
 - directories of subscribers
 - security of telecommunications services and the use of cookie type devices

Prohibits unsolicited phone calls, texts, emails for direct marketing without the permission of the recipient
Complaints can be made to Information Commissioner
Difficult to enforce if caller/sender is outside EEA

Who Owns Your Data?

SEPTEMBER 28, 2010

by thumann

tags: data liberation tool, FERPA, OCT, Google, Google Apps, Google Apps Education Certified Trainer, Ownership, Security



I have been reviewing many questions recently about storing data in the Cloud. With so many districts moving to Google Apps I decided to put together some resources on data ownership and privacy. I hope you find this helpful:

Who owns the data that organizations put into Google Apps?

Resource: <http://www.google.com/support/a/bin/answer.py?hl=en&answer=106876>

1. Google won't share your data with others except as noted in their Privacy Policy.
2. They keep your data as long as you require them to keep it.
3. You should be able to take your data with you if you choose to use external services in conjunction with Google Apps or stop using our services altogether.

- <http://thumannresources.com/2010/09/28/who-owns-your-data/>

Girl, 14, fears 21,000 party guests after Facebook invite blunder

A teenager from Hertfordshire who mistakenly posted her address and phone number on Facebook to publicise a birthday party ended up with 21,000 promised guests.

By Alastair Jamieson
Published: 7:00AM BST 20 Sep 2010

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Rebecca Javelleau, 14, mistakenly made the details public when inviting friends to the event, creating an internet sensation that led to thousands of RSVPs from

<http://www.telegraph.co.uk/technology/facebook/8012043/Girl-14-fears-21000-party-guests-after-Facebook-invite-blunder.html>

Mobile Phones

Le Monde.fr
Technologies

Ces données privées que les applications mobiles transmettent à votre insu

LE MONDE.fr | 26.09.2010 | 10h00 - 10h14



Les applications mobiles transmettent à votre insu des données personnelles, souvent sans que vous en soyez conscient. Ces données peuvent être utilisées pour cibler des publicités, mais aussi pour surveiller vos déplacements ou votre comportement en ligne.

Il est possible de désactiver le traçage de ces données, mais cela peut affecter le fonctionnement de certaines applications.

IMPOSSIBLE DE DESACTIVER LE TRACAGE

http://www.lemonde.fr/technologies/article/2010/10/20/ces-donnees-privées-que-les-applications-mobiles-transmettent-a-votre-insu_1456982_651868.html

