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# THE PRIVACY AND THE LAW CONFERENCE 2010

THE CHALLENGE OF THE NEW

WEDNESDAY 1ST DECEMBER 2010, LONDON

This key event provides examination of the current and emerging challenges to privacy – and the solutions that are developing to meet them.

You will hear from a range of expert speakers on:

- The relationship between privacy and freedom of information
- Privacy and the internet
- The current agenda for privacy
- The challenges of globalisation and new technology

**Chair:** Roger Smith OBE, Director of JUSTICE



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# THE PRIVACY AND THE LAW CONFERENCE 2010

WEDNESDAY 1ST DECEMBER 2010, PINSENT MASON, 30 AYLESBURY STREET, LONDON EC1R 0ER

How do ideas of privacy that were conceived in the age of print translate to the modern age?

The law on privacy faces enormous challenges – from new technology, from globalisation and from the pressure for greater transparency in the public realm. The rapid development of the internet and the increasing electronic capture of images and data provides an obvious threat to the protection of privacy, both in the UK and globally.

Problems are emerging about the transfer of information within multi-national corporations based in countries with different data protection regimes. More and more of us are willingly placing private information on public social networks. And moves to widen the scope of freedom of information laws have major implications for privacy.

How is privacy law responding to these pressures? And how will developments in the UK – with a coalition government with a markedly new agenda – and Europe – where the Lisbon Treaty and EU proposals promise significant changes – affect law and practice?

This timely conference will examine in detail the current and emerging challenges to privacy – and the solutions that are developing to meet them.

## A COMPREHENSIVE AND DETAILED ANALYSIS OF THE LATEST DEVELOPMENTS

**Privacy and the Law** will provide you with a thorough update on how the law is adapting to rapid political and technological developments, covering:

- The relationship between privacy and freedom of information
- Privacy and the internet
- The current agenda for privacy
- The challenges of globalisation and new technology

You will hear from a range of expert speakers who will examine the challenges to privacy law from a number of perspectives. **Privacy and the Law** will provide you with:

- An understanding of complex and fast-moving issues
- A knowledge of all relevant recent case-law
- Insight into the interplay between UK and EU jurisdictions and attempts to develop global standards
- A timely analysis of how the new government's policies are affecting the development of privacy law
- A glimpse into an uncertain future

## HIGHLIGHTING THE KEY CURRENT AND EMERGING ISSUES

- Privacy v freedom of information – how does the law deal with competing claims?
- Online and open – how should privacy law respond to the rise of social networking websites?
- After Lisbon – the EU now sees data protection as a fundamental right. How will this affect the UK?
- A watchdog with bite – six months on, how is the Information Commissioner exercising his new powers?
- Data transfer – is the development of global standards diluting privacy protections?
- Special cases – how does the law protect the privacy of children and vulnerable adults?
- A new broom in Whitehall – what does the coalition's agenda mean for policy and the law?
- Automating privacy – how can technology protect personal data?

Follow this event on



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# BENEFIT FROM A COMPREHENSIVE PROGRAMME OF TOPICS

9.00 REGISTRATION

**9.30 WELCOME FROM THE CHAIR**

**Roger Smith OBE**, Director of JUSTICE

**9.35 OVERVIEW**

**The Hon Michael Beloff QC**, Blackstone Chambers

An introduction to the issues, covering:

- The relationship between privacy and other areas of law
- Legislative proposals
- The impact of transparency on governance
- Growing tensions between UK and EU standards in privacy and data protection

**10.00 SESSION 1: PRIVACY AND FREEDOM OF INFORMATION**

**THE INFORMATION COMMISSIONER'S NEW POWERS – AUDITS AND MONEY PENALTIES**

**Hazel Grant**, Bristows Solicitors

April 2010 saw significant new powers for the Information Commissioner:

- The power to impose fines of up to £500,000
- Right to audit public bodies

This session will examine the impact of these changes.

It will also look at proposals for extending the scope of the Freedom of Information Act if these have been announced.

**IDENTITY AND ANONYMITY – RELEVANT DEVELOPMENTS IN FREEDOM OF INFORMATION LAW**

**Gerry Facenna**, Monckton Chambers

There have been more cases on privacy and disclosure under the freedom of information regime than under data protection. This session will examine relevant recent case-law. It will also cover:

- The repeal of the Identity Card scheme and the impact on how identity is dealt with
- Freedom of Information Act disclosures of data about employee settlements

11.15 COFFEE BREAK

**11.45 SESSION 2: PRIVACY AND THE INTERNET**

**SOCIAL MEDIA AND PRIVACY**

**Dr Ian Brown**, Oxford Internet Institute, University of Oxford

The rise of social networking has led to the widely promoted view that users do not value privacy and it is has no resonance in the online world. Is this a true perception? Does privacy have the same meaning in the off- and online environment and how should the law deal with the challenges this poses?

**BLOGS AND PRIVACY**

**Emma Martins**, Data Protection Commissioner, Jersey

This session features an analysis of a very topical and controversial issue – where privacy protection and claims to freedom of expression collide. In Jersey legal action is being taken against an ex-Senator who disclosed private information on a blog. One interesting feature of the case is that the blog was hosted by Google which refused to remove the material despite repeated submissions that it was in breach of privacy and data protection laws.

13.00 LUNCH

**14.00 SESSION 3: THE CURRENT AGENDA FOR PRIVACY**

**DEVELOPMENTS IN THE UK AND EUROPE**

**Timothy Pitt-Payne QC**, 11KBW

A wide-ranging examination of the key UK and EU developments affecting privacy law, covering:

- The coalition government's agenda, including: CCTV regulation; a review of state databases; extension of re-use rights; and what increased transparency will mean for public and private sectors
- The provisions of the Lisbon Treaty and their impact on national practices in Europe
- Current EU proposals – how will a proposed directly applicable Regulation sit with a current regime based on the use of Directives?

15.00 TEA

**15.15 SESSION 4: THE CHALLENGES – GLOBALISATION AND NEW TECHNOLOGY**

**DATA TRANSFER IN AN INTER-CONNECTED WORLD**

**Rosemary Jay**, Pinsent Masons

The current regime for international data transfer is dominated by an EU approach that imposes strains on multi-national corporates. Businesses face the difficult choice of either ignoring the legal issues, putting in place costly legalistic solutions or 'box ticking' using contracts. None of these is satisfactory. This session looks at moves to develop a commercially acceptable but sound process.

**THE DEVELOPMENT OF A GLOBAL STANDARD**

**Christopher Graham**, Information Commissioner

The global standard shows how privacy regulators over the globe are working together. It is based on a range of different instruments but should act as a focus to bring these nearer together. This session looks at how the global standard will be taken forward and how it will interact with UK and EU standards.

**IDENTIFIABILITY, DATA MINIMISATION AND PRIVACY TECHNOLOGY**

**Caspar Bowden**, Chief Privacy Adviser, Microsoft WW Technology Office

Legal analysis of borderline Data Protection cases often focuses on human judgements about proportionality and necessity. But another dimension is the extent to which data may be anonymised, thus obviating the privacy risk to the data subject. This session will give an overview of the policy history and the potential legal impact of recent developments in computer science, and prospects for advanced privacy technologies providing a resolution to well-known tensions between information privacy and security.

17.15 CLOSE

Please note that this programme is subject to change without notice.

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WEDNESDAY 1ST DECEMBER 2010

Pinsent Masons, 30 Aylesbury Street, London EC1R 0ER

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