

NEW 4TH EDITION

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DATA PROTECTION LAW AND PRACTICE

UNDERSTAND THE FULL SCOPE OF DATA PROTECTION

Rosemary Jay



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DATA PROTECTION LAW AND PRACTICE

Rosemary Jay

THE CONTEXT, THE CURRENT LAW AND THE CHANGING LANDSCAPE

Data Protection Law and Practice provides a comprehensive review of data protection law in the UK plus the EU background to the law.

Examining the history and modern legal content of data protection, the new 4th edition looks at key statutes and examines recent developments in the data protection landscape. It also looks to the future of this fast-moving area of law, helping you prepare for potential changes in the law.

UNDERSTAND THE SCOPE, HAVE THE DETAIL YOU NEED

- Helps you to identify relevant areas, key obligations and risks that could apply to your clients
- Informs you of key updates to the Data Protection Act 1998 since the last edition
- Discusses privacy rights and actions for the misuse of private information
- Looks in detail at the use of electronic marketing
- Explores and explains the impact of freedom of information on privacy

NEW TO THIS EDITION

With such a rapidly evolving area of law, there is a wealth of new and updated information for the 4th edition. This includes new chapters on data-sharing, security obligations and the enforcement powers of the Commissioner.

There is additional depth and detail of the European background to the legislation, and discussion of the importance of the European Charter of Fundamental Rights and the Treaty of Lisbon for data protection.

You'll also find an explanation of the proposals from the European Commission to change the data protection regime, with the proposed main changes in the draft Regulation highlighted in the discussion.

THE LATEST CASE LAW FROM THE UK AND EU

Case law has been reviewed and examined in detail. You'll find a new section of analysis and explanation of the case law of the Court of Justice of the European Union including discussion of important EU cases including *Satamedia*, *ProMusicae*, *Bavarian Lager* and *Rijkeboer*.

KEY COVERAGE

- Examines key statutes such as the Data Protection Act, the Regulation of Investigatory Powers Act and subordinate legislation
- Examines the restrictions on interception of communications and exceptions to those under the Regulation of Investigatory Powers Act and its subordinate legislation as well as the data retention obligations.
- Examines the rules for electronic marketing under the Privacy and Electronic Communications (EC Directive) Regulations 2003
- Discusses the current position on data protection and rights of access, post the Freedom of Information Act 2000 and the Environmental Information Regulations 2004
- Looks at the processing of Sensitive Data and the Overseas and Cross Border transfer of data
- Offers guidance on following the Codes of Practice approved by the Information Commissioner's Office (ICO), and the policies of other regulators
- Looks at rights to prevent the procession and automated decisions, along with the principle governing the award of compensation and the possible remedies available
- Covers the effect of the proposed EU Regulation and Directive as well as UK centric issues



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- Data Protection Laws in Jersey, Guernsey, and the Isle of Man

Appendices

ABOUT THE AUTHOR

Rosemary Jay is an acknowledged expert in the field. She has worked in data protection and information rights for 25 years, her work spanning the public and private sector. She was for 12 years head of the legal team at the UK regulator's office and has been in private practice for over 13 years. Her clients have included national and international bodies such as the Council of Europe and the European Commission. She is a Fellow of the British Computer Society, an Examiner for the ISEB Board and an editor of the Encyclopaedia of Data Protection and lectures and writes widely. She currently works part time as a Senior Attorney for Hunton & Williams which is recognised as the leading firm in international data privacy law.

Additional contributors to the book are **Sue Cullen**, a solicitor and Director of the specialist training company Amberhawk; **William Malcolm**, Privacy Counsel Google UK Limited and **Ellis Parry**, Global Lead Data Privacy at BP. All bring massive practical as well as technical legal expertise to the topic.

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