

PL&B's 20th Anniversary

Stewart Dresner on 20 years of the *Privacy Laws & Business International Newsletter*.

In 1987, the basis for data protection laws was, in Europe, the Council of Europe Convention, and elsewhere in the world the OECD Guidelines. The EU Data Protection Directive was nearly a decade away, and therefore the US Safe Harbor was not envisaged. There were also no national privacy laws in the Asia-Pacific region. Many in the private sector in the US thought that data protection laws should not apply to companies. Data Protection Commissioners' Conferences were cosy affairs, sometimes around one table. Fax machines were new, e-mail, the internet and websites hardly existed. Information on international data protection laws was scarce. When discussing my plan for this newsletter, large companies, law firms and Data Protection Commissioners were supportive. They remain so.

MAXIMUM VALUE

I wrote in the editorial for the first newsletter: "You will get maximum value from your subscription if you use *Privacy Laws & Business* as a forum for sharing your data protection experience with other companies in what is for everyone a non-competitive area." I still agree with the first part of the sentence, but my view on the second part has changed. Although many companies want to merely make sufficient compliance efforts, some are going further and making privacy a competitive advantage.

Twenty years ago this month, when I started the *Privacy Laws & Business Newsletter*, my intention was to provide authoritative news and analysis of data protection laws around the world, how they have an impact on organisations and how companies could integrate privacy laws into good business practice. This goal has remained the core of our activities, as you see in this 20th anniversary edition. This mission has been sustained by the enthusiasm of our subscribers from all sectors, including many privacy regulators, worldwide. Many of them have remained subscribers throughout the period.

Our contributors from all around the world have enabled the *Privacy Laws & Business International Newsletter* to become the authoritative source of information on privacy laws worldwide. The *PL&B UK Newsletter* joined the family in 2000 and also covers the UK's Freedom of Information Act.

It is a continuing pleasure to meet you at our conferences, where you provide unrivalled insights and share your expertise with the global privacy community. Some of them reflect on the past and next 20 years in this issue (p.22).

Privacy Laws & Business continues to stay ahead by providing you, for example, with the first analysis of new laws in Russia (*PL&B International*, August 2006, p.1) and now Dubai (p.1). Privacy laws now have a far greater impact on both organisations and individuals than could have been forecast in 1987. A list of factors would include customer relationship management, employee monitoring, closed-circuit TV, webcams and doing business via the internet. Privacy laws will always have to develop to deal with new challenges, such as the recent reversal of privacy norms represented by social networking sites (*PL&B International*, December 2006, p.28-31). While people have heightened concerns about privacy issues in advanced societies throughout the world, privacy has become a social as well as a legal issue.

MAJOR PRIVACY TRENDS

We have monitored the major privacy trends over this period, such as:

1. The *growth of an international framework of law*, such as the EU Data Protection Directive and its continuing influence via the decisions of the EU's Art. 29 Data Protection Working Party.
2. The *considerable increase in the number of countries with a data protection law* from the 10 European countries we listed in our first issue in February 1987 to the 36 worldwide listed (pp.26-27) which have Data Protection Authorities accredited to the DPAs' conference.

3. The *working together of countries* both within the EU framework and in the APEC framework (p.14) aiming to provide organisations with a somewhat consistent framework, or at least an understanding, of privacy norms underpinning good practice. Legal certainty is an ambivalent value, as some companies say that legal certainty is not a worthwhile goal if pitched at too high a level.

4. The *powerful combination of data protection law and other laws*, such as employment law, evident even in 1987 in Germany, consumer law and criminal law.

5. *Starker conflict*, particularly between Europe and the US (p.1), with Canada striving to provide a middle way.

6. *Stronger enforcement*, leading not only to larger fining powers for national data protection authorities, such as in Spain and France (*PL&B International*, October 2006, p.1), but also the deployment of the supporting big guns of other enforcement bodies, such as the Federal Trade Commission in the US (*PL&B International*, August 2006, p.14), and now the UK's Financial Services Authority (pp.8-9).

PL&B'S 20TH ANNUAL INTERNATIONAL CONFERENCE

Many of the above issues will be covered in our 20th Annual International Conference: *Global Warning! Privacy Climate Changes Ahead*. It takes place at St. John's College, Cambridge, on 2-4 July. A list of speakers and their subjects will be available from early next month.

This month, we have moved into new offices with new telephone and fax numbers. Our new website, www.privacylaws.com, also to be launched around the end of this month, now has many more features, including:

- headline news on the home page
- a search facility and sitemap
- secure electronic payments
- instant access to newsletter back issues
- a greatly expanded links section.

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PL&B AN ACTIVE PARTICIPANT

Privacy Laws & Business is not only an observer of the scene but is also an active participant. For example:

- PL&B arranged workshops in Denmark, Switzerland and the Netherlands in the late 1980s for many national data protection authorities to discuss and coordinate their policies on credit referencing, insurance and direct marketing respectively.
- PL&B provided expertise to the European Commission in its assessment of attitudes of public and private sector data controllers towards national data protection laws in seven EU member states in 1993/4, shortly before the adoption of the EU Data Protection Directive; and in the late 1990s and into the current decade, the adequacy of the first group of countries to receive approval, such as Switzerland, Canada and Argentina and those which have not yet, such as the US and New Zealand.

- PL&B researched, tested and wrote the Data Protection Auditing Manual for the United Kingdom's Data Protection Commissioner, published in July 2001, which develops auditing procedures based on ISO 9000 quality management principles and is now freely available on his website.

- PL&B is currently preparing a white paper for Canada's Privacy Commissioner for discussion at this year's DP Commissioner's Annual Conference, to be held in Montreal, to assess the use and value of privacy law audits drawing examples from several countries.

- PL&B provides the secretariat for the European Privacy Officers Network, established in 2001, which holds roundtables with privacy managers and data protection commissioners, so far in Spain, Italy, the Czech Republic, France, Germany and Ireland.

PL&B is also frequently used by many of the world's multinational companies, major law firms and the public sector for information, training,

recruitment, contacts and advice. Some of these statistics are on the back page. It is gratifying to find PL&B's website, www.privacylaws.com, generally in the top five if you use a major search engine to look for information on "privacy laws", a result achieved without website optimisation.

THANK-YOU

Finally, I am delighted to acknowledge the enormous contribution made by our *International* and *UK Newsletter* editors, James Michael and Laura Linkomies, with whom I have worked for 30 and 10 years respectively, our worldwide network of consultants, and former and current PL&B colleagues, who form an outstanding team so we can, together, fulfil our mission.

As many of PL&B's innovations have come from you, the international privacy community, I ask you to keep the ideas flowing in. We at PL&B will do our best to keep you informed and engaged with the ever changing privacy law scene.