

UK

Call for Evidence on Review of ICO Functions

The Ministry of Justice has launched a consultation on the functions and services of the Information Commissioner's Office (ICO). This is a standard three-yearly review of the ICO as part of the government's requirement to reform public bodies. The objective is to assess whether there is a continuing need for the ICO's functions, whether the ICO should continue to operate in its current form and whether the ICO's services could be provided more effectively and efficiently. Comments may be submitted until 16 January 2015.

[Ministry of Justice website – November 2014](#)

Information Commissioner's Response to Ministry of Justice Review

The Information Commissioner has issued a statement in response to the Ministry of Justice's review of its functions and services (see above). He says: "I am confident that the ICO has a good story to tell...but we must always listen to our stakeholders. I look forward to exploring the best ways of delivering information rights for citizens and consumers while working with organisations and businesses to meet statutory obligations efficiently and effectively". He urges all those with an interest in information rights and the ICO to contribute to the consultation.

[ICO statement – November 2014](#)

New Bill Provides for Retention of Communications Data

The Counter-Terrorism and Security Bill has been introduced in the House of Commons. Amongst other things, the Bill proposes amendments to the Data Retention and Investigatory Powers Act 2014 to require Internet Service Providers to retain data which would allow an individual or device using a particular IP address on an ISP's network at any given time to be identified. The second reading of the Bill is scheduled for 2 December.

[Parliament UK website](#)

New Guidance for the Credit Industry on Working with Customers with Mental Health Issues

The Royal College of Psychiatrists, together with the Money Advice Trust, has published guidance for lenders, creditors and debt collectors on working with customers with mental health problems. This is an updated and revised version of guidance originally published in 2010 and sets out twelve steps that the credit industry should take when dealing with customers with mental health issues in financial difficulty.

[Money Advice Trust website - November 2014](#)

ICO Blog Post on Rebuilt ICO Website

The ICO has published a new blog post discussing the changes being made to the ICO's website: www.ico.org.uk. The website is currently being rebuilt to make it faster to use and easier for users to find the information they are looking for. The redesigned sections are being launched in stages. The blog post explains exactly why these changes are thought to be necessary and asks for feedback on the first tranche of rebuilt sections which have just launched.

[ICO Blog – November 2014](#)

EU

Article 29 Working Party Right to be Forgotten Guidelines

The Article 29 Working Party (WP29) has issued guidelines on the implementation of the Court of Justice of the European Union's recent right to be forgotten ruling. Significantly, the guidelines provide that the de-listing of search results pursuant to the judgment should be extended to also apply to .coms and not just EU member state domains.

[WP29 press release – November 2014](#)

EU Pressure on Google to Split Search Engine Business

The European Parliament is expected to call for Google Inc's search engine activities in Europe to be split from the rest of its business. MEPs are said to want to curb Google's dominant market power and resulting control over significant amounts of personal data, which they believe endangers the basic right to privacy.

[Reuters report – November 2014](#)

EDPS Guidelines on the Interaction Between Financial Regulation and Data Protection

The European Data Protection Supervisor (EDPS) has issued Guidelines on Data Protection in EU Financial Services Regulation. The guidelines are aimed at regulators and legislators in the financial services industry. They focus on the interaction between data protection laws and apparently conflicting financial regulations which can require personal data to be disclosed in certain circumstances. In particular, the EDPS highlights instances where, in his opinion, data protection was given insufficient priority in instances of alleged financial irregularity.

Ireland

First Successful Prosecution for Failure to Register with Commissioner

The Irish Data Protection Commissioner has successfully prosecuted a private investigator for processing personal data without having first registered with the Data Protection Commissioner's Office. This is the first prosecution of its kind in Ireland. The private investigator was also convicted on two counts of unlawfully obtaining access to personal data without the authority of the data controller. The Dublin Metropolitan District Court imposed a total fine of €5,000.

[Irish Data Protection Commissioner website – November 2014](#)

For further information on any of the items in this week's alert, please contact:

Mark Gleeson

T +44 20 7655 1465

E mark.gleeson@squirepb.com

The contents of this update are not intended to serve as legal advice related to individual situations or as legal opinions concerning such situations nor should they be considered a substitute for taking legal advice.

© Squire Patton Boggs.