The false dichotomy of public versus private information

Anya Proops explains that the focus should be on how the information is processed and for what purposes.

The question of whether particular information concerning an individual is private or public information is one that data protection practitioners are frequently called upon to answer. Typically this question is posed because clients assume that data protection rights only apply to private information, with those rights falling away where the relevant information has entered the public domain. However, as this article seeks to illustrate, this assumption is in fact misplaced. On a proper analysis, in the context of data protection law, there is no neat dividing line between private and public information.

Let us begin by considering the

Augmented reality raises a set of legal and policy issues

The data protection implications are immense, particularly with respect to data accuracy says Oliver Butler.

Augmented reality (AR) describes technology which maps digital content on to real-time user-generated video content, thereby allowing the user to view an ‘augmented’ reality through the screen of their device. The rapid rate of technological development and the various business and entertainment applications of AR

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The interpretation of DP law continues to evolve

In this issue, we bring you a top-level analysis of whether particular information concerning an individual is private or public. When we return to these fundamental questions, it is clear that data protection is not set in stone and that case law creates new interpretations all the time (p.1).

In the negotiations on the EU Data Protection Regulation, the mantra that “nothing is agreed until everything is agreed,” is frequently stated. There are still key issues to be discussed but all parties aim to conclude negotiations this year and all signs indicate that this will happen (p.6).

There may be more immediate changes in the UK legislative framework; the Counter Terrorism and Security Bill is currently at the report stage in the House of Lords. Remember the fast-tracking of the Data Retention and Investigatory Powers Act 2014? It was undertaken expressly on the basis that it did “not enhance data retention powers”. This new bill seeks to do just that and the main issue is around IP addresses.

Augmented reality is here to stay regardless of the withdrawal of Google Glass from the market. Read on p.7 what it means and what the data protection implications are.

Management of SARs is often tricky and the EU DP Regulation could have a big impact on UK data controllers’ operations (p.17). IT and Privacy by Design considerations are also an important feature (p.14), as well as risk assessments for Big Data (p.8). How will Data Protection Officers cope with all this and their relationship with the Information Commissioner (p.16)?

The FOI Act has now been in force for ten years but there are still challenges both in England (p.10) and Scotland (p.19). And last but not least, a recent European Court of Justice’s decision on use of CCTV and the domestic exemption merits further guidance by the ICO (p.12)

Laura Linkomies, Editor
PRIVACY LAWS & BUSINESS

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