

recommendations, due to be published for a three month public consultation by the end of 1992, are likely to include the enactment of data protection legislation on the basis of principles of broad general application to include both the public and private sectors, and both automated and structured manual records.

Some secrecy provisions were included in the Census and Statistics (Amendment) Bill enacted on January 12th 1990. In 1991, Hong Kong enacted a Bill of Rights which contains a right of privacy in the terms of the International Covenant on Civil and Political Rights.

**HUNGARY** was the first country in Eastern Europe to prepare a data protection bill, in this case combined with a general right of public access to government information. It was approved by the Council of Ministers in January 1989. The bill covers automated and manual data, natural and legal persons and has a registration system for some types of data. The government's intention is for Hungary, now a member state, to sign and ratify the Council of Europe Convention. Hungary is also currently preparing a new constitution which contains a clause recognizing "every human being's right to the protection of personal data." A bill has now been submitted to the legislature to appoint a Parliamentary Commissioner for Citizens' Rights who will also be responsible for data protection rights. The government intends the bill be passed by the end of 1992.

**ICELAND's** Act Respecting Systematic Recording of Personal Data was passed in 1981 and came into force on January 1st 1982. It covers both automated and manual records, physical and legal persons in both public and private sectors and has a central registration system. Unusually, the law was drafted with a clause that required it to be abrogated after three years. From January 1st 1986 and again from January 1st 1990, a new law with minor amendments came into force. However, this latest law is not limited to a fixed term. Iceland ratified the Council of Europe Convention on March 25th 1991 and it entered into force there on July 1st 1991.

**IRELAND's** Data Protection Act was passed on July 13th 1988. The Act covers physical persons and automated data in both the public and private sectors. The Act requires the registration of certain categories of data, such as sensitive data, all personal data held by public bodies and all personal data held by financial institutions, and agencies for credit reference, debt collecting or direct marketing.

**ISLE OF MAN** passed its Data Protection Act on July 16th 1986. In April 1988, a Data Protection Registrar was appointed and the law fully entered into force on October 17th 1990 on the same date as the Isle of Man's ratification of the Council of Europe Convention. The Act is similar to the UK Data Protection Act, except that the exemptions have been widened to exclude many small businesses. Other differences include registration requirements and costs.

**ISRAEL's** Protection of Privacy Law was passed in February 1981 and came into force on September 11th 1981. It covers physical persons only, and automated records in both public and private sectors and has a central registration system. The law was amended on March 4th 1985 to regulate the transmission of information between public bodies.

Chapter One of the law is exceptional in creating a civil law offence of infringement of privacy which covers 11 categories of behaviour including spying on a person; listening in; photographing a person in the private domain; publishing a person's photograph under such circumstances that the publication is likely to humiliate him or bring him into contempt; using a person's name, appellation, picture or voice for profit; and publishing any matter relating to a person's intimate life, state of health or conduct in the private domain.

**ITALY's** government submitted a new data protection bill to the legislature on September 1st this year. It takes into account the Council of Europe Convention. In late 1989, the legislature passed a law authorizing the government to ratify the Council of Europe Convention. Clearly, as Italy has not deposited its instrument of ratification with the Council

of Europe's Secretariat General in Strasbourg, the legislature's action has no force in international law.

Nevertheless, work continued building on a previous Bill prepared by a committee under the chairmanship of Professor G. Mirabelli and published in late 1989. Several aspects of that bill were novel, such as the concept of granting computer freedom, and the appointment of a Guarantor. In addition, a private member's bill had been introduced into the legislature on November 6th 1991 by Sig. G. Pellicanó, a member of the Republican Party.

**JAPAN** The law on Protection of Computer Processed Personal Data held in Administrative Organs was enacted on December 16th 1988 and came into force in stages starting on October 1st 1989. Chapter 3 of the law covering individual rights, such as access and correction of personal data, came into force on October 1st 1990. The Act covers automated data in national government departments. It covers several data protection principles but is subject to a number of exceptions, for example, civil servants have no right of access to personal data on themselves. The central co-ordinating body for this legislation is the Management and Coordination Agency in the Prime Minister's Office but it does not have the status of an independent Data Protection Authority.

Government departments have strongly encouraged parts of the private sector, such as finance, telecommunications and credit information to establish codes which reflect the OECD Guidelines.

**JERSEY**, a self-governing entity within the UK, passed a Data Protection Law on April 30th 1987. This is similar to the UK's Data Protection Act, covering both public and private sectors and using a central registration system. It came into effect from November 11th 1987, the same date as the UK law became fully operational.

**LUXEMBOURG**'s Act regulating the use of name-linked computer data was passed on March 31st 1979 and came into force on October 1st 1979. The law covers the public

and private sectors, automated records and legal persons, and has a central registration system. The law has had a fundamental review by the seven person Data Protection Commission. Publication of the European Community draft directive has meant that its proposals to amend the Luxembourg law have been postponed until the final shape of the EC initiative becomes clearer.

**MALTA**'s application for membership of the European Community has helped to move data protection up the list of priorities for legislation. The government had been preparing a data protection and freedom of information bill when the legislature was dissolved in February 1992 for a general election. Now work has begun on a new bill.

**THE NETHERLANDS**'s Data Protection Act was adopted by the Upper House of the States General (legislature) on December 27th 1988 and received royal assent the following day. It came fully into force on July 1st 1990, which also served as a deadline for registration. The Act covers physical persons, gives legal persons some rights, both private and public sectors, and automated and manual records. Unusually, the Netherlands' law requires registration of manual personal data. The law works on a system of public declarations of name-linked files which have to be notified to the Registration Chamber.

The Registration Chamber has now approved the first industry codes of conduct for the Recruitment and Staff Selection Agencies' Association, the Information Technology Trade Association, and the Mail Order Association. Each sector is encouraged by the law to develop its own code of conduct which it must discuss with a representative consumer organization before submitting it to the Chamber for approval.

The Registration Chamber has prepared a decree on the protection of sensitive data and awaits the opinion of the Council of State. Once the decree is adopted, the Netherlands will be able to ratify the Council of Europe Convention.