

---

## Editorial

---

### Data Protection — The New Bill

In the Editorial of our January/February 1983 issue we commented on the Data Protection Bill and the reservations on it expressed by the legal profession and by industry. The Bill had to be re-introduced following the General Election and the opportunity was taken to amend the contents in answer to some of objections raised. A major practical problem which might have arisen from the earlier Bill was that it could have required registration of word processing installations. The Bill now contains an exemption for "equipment designed for preparing the text of documents if the operation is performed only for that purpose", though this definition may be found too narrow for many bona fide word processing systems and would not provide any exemption for internal electronic mail or electronic filing systems which might in many cases fall within the spirit of the intended exemption.

Another major reservation which had been expressed was that too many data users would be required to register under the Bill, having regard to the limited resources available to the Data Protection Registrar. This problem has been eased by a new exemption contained in the Bill in respect of data held only "for the purpose of calculating amounts payable by way of remuneration or pensions in respect of service in any employment or

office" or "for the purpose of keeping accounts of money paid or received by the data user or of keeping, for accounting purposes, records, of goods or services supplied by or to him".

A helpful change has been made to the registration procedures: an applicant for registration (or who has submitted a change in registered particulars) will generally be able to commence the data processing application concerned immediately upon lodging the application with the Registrar; this improvement in the position of applicants has enabled the Government, without causing inconvenience to the business community, to extend from two months to six months the time allowed for the registrar to give a decision on the application.

Some of the problems envisaged in our earlier editorial remain. The Bill still does not cover indications of the intentions of the data user in respect of named individuals (which would not necessarily amount to an expression of opinion covered by the Bill)—this leaves scope for disputes over interpretation. There are still no satisfactory provisions to protect data users from abuse of the right of data subjects to demand copies of data relating to them, eg concerted campaigns by a number of data subjects connected with a pressure group.

Consideration of the Bill by the Lords is expected to be completed shortly after Parliament reassembles and the Bill is expected to come before the House of Commons in November.