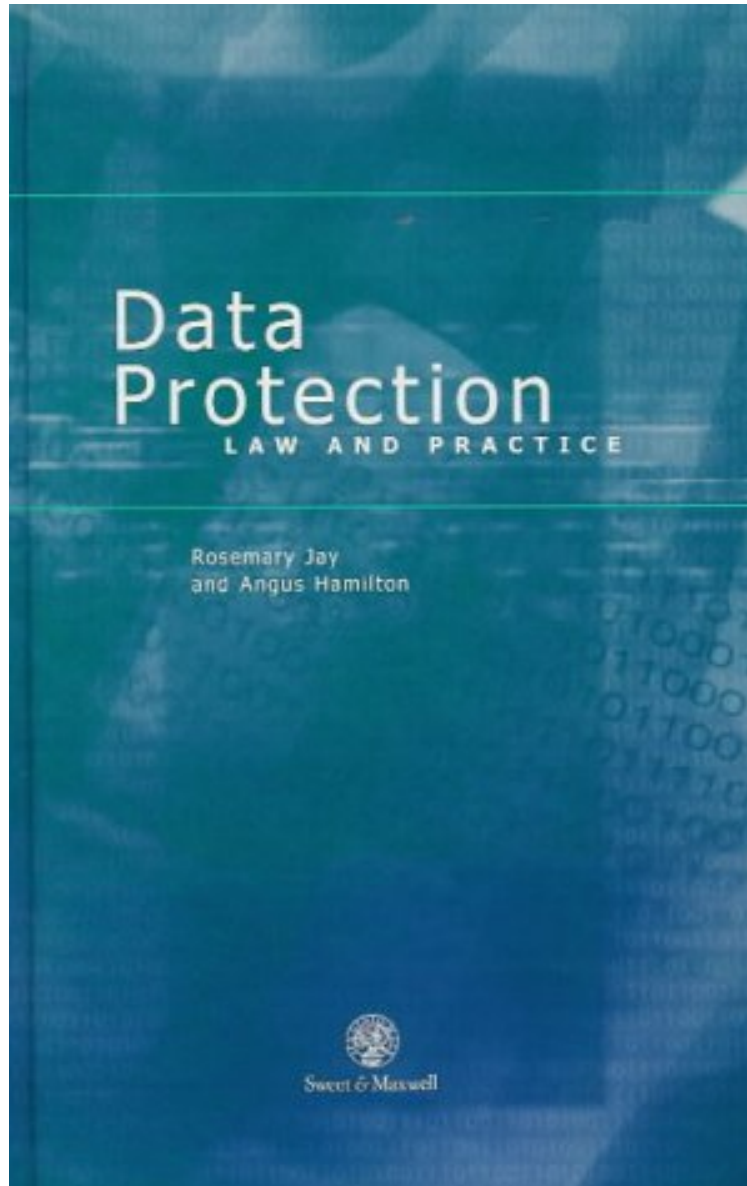


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Data Protection: Law and Practice (Practitioner Series)

Rosemary Jay, Angus Hamilton

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Rosemary Jay, Angus Hamilton : Data Protection: Law and Practice (Practitioner Series) before purchasing it in order to gage whether or not it would be worth my time, and all praised Data Protection: Law and Practice (Practitioner Series):

Data protection is an increasingly important area of business law, perhaps more so as a result of the Data Protection Act 1998. This work gives practical guidance to the Act. Coverage includes the difficult transitional arrangements between the 1984 Act and the new law, and highlighted sections showing the main changes between the two. The text of the Act and Directive are included. The text also includes new issues practitioners have to consider, including: sensitive data controls; overseas transfers; the new individual rights; the "fair obtaining" rules; and application to manual files.

This publication is a practical reference tool, which has been designed to help you with the new Data Protection Act 1998 and the Telecommunications Regulations. The concept and the structure of the book facilitates understanding of this complex subject. To get a short insight, each chapter gives you a summary of the main points and ends often with practical tools. There are also links to web sites for users who need more information. Including the full text of the Acts and the Directive, it will prove an invaluable aid. Those familiar with the Office of the Data Protection Registrar will remember that the principal author of this book, Rosemary Jay, headed the legal department at the UK's Data Protection Registrar's office for 12 years before moving to private practice. Her work included advising the 1984 act and, more recently, on the implementation of directive 95/46 as the Data Protection Act 1998. Her co-author, Angus Hamilton, has also been involved in the impact of data protection laws, having conducted prosecutions on behalf of the Registrar's office under the 1984 act. It is also apparent from the acknowledgements that other experts at the Registrar's office have cast their informed eyes over a number of the chapters. Jay and Hamilton, therefore, approach the Data Protection Act 1998 and its supporting laws with unrivalled expertise. The book is extremely comprehensive, well-written and answers in 473 pages many of the questions that practitioners and compliance officers should be considering now. Its chapters examine the background to the 1998 Act and its various elements but also devote warranted detailed attention to the principles, overseas transfers and subject access rights. The text also explains the role and authority of the Data Protection Tribunal and Europol, and even provides 40 pages of commentary on the regulations which implement the Telecommunications Data Protection Directive and its impact on data protection. Most chapters include checklists and case studies, while there are occasional precedents for letters to be sent by and to data subjects. A full copy of the 1998 Act and the Directive finishes off this most comprehensive text. Usefully for a book about such recent legislation, each chapter ends by listing the relevant European sources and UK parliamentary debates. Readers who need to interpret ambiguous clauses in the 1998 Act should, however, not be tempted to rely on Hansard references with a sprinkling of *Pepper v Hart*. As Jacob J put it in *British Sugar* (1996) RFC 281 at 291 in relation to the Trade Marks Directive. "In the case of a provision intended to implement a Directive, I cannot think that the *Pepper* principle can apply. The intention of Parliament is to implement whatever the Directive means. Views expressed in Parliament about the meaning, even by Ministers, cannot assist in resolving any ambiguity which stems from the Directive itself." Potential readers should appreciate that this is a detailed book. It benefits from a good understanding of the 1984 Act and a permanent 'thumb' in the legislation at the back of the book. It will be perfect for practitioners and compliance officers already familiar with the earlier legislation but who need to know what's new. These readers will go back to this book time and time again, for reference, but they may be disappointed by a few minor 'publishing' issues. First, the book was published before all the secondary legislation and guidance from the Registrar had been finalised. As a consequence, for example, the authors can only discuss the requirement of notification in very general terms. This is a pity. Despite the promises of a commentary eventually being available on the publisher's website, this will mean that readers will have to look at two sources, rather than one. Also, page numbers should have been used in the contents and index pages, rather than the irritating chapter-paragraph notation. This may well make the book quicker to publish and update, but does not serve its readers well. Thankfully, these issues do not detract from the good work of the authors. The book is a well-considered blend of robust academic analysis and pragmatic commercial guidance. Clive Gringras "perfect for practitioners and compliance officers" "extremely comprehensive, well-written and answers many of the questions that practitioners and compliance officers should be considering". "This publication is a practical reference tool which will prove an invaluable aid". Initiative (full)