

SECOND STUDY COMMISSION QUESTIONNAIRE 2010

CIVIL ISSUES REGARDING THE PROTECTION OF PRIVACY (WITH PARTICULAR FOCUS ON SUCH MATTERS AS AFFECTED BY THE INTERNET)

A. Laws and Regulations

- 1) What laws apply to protection of privacy issues in your legal system? Are there civil code/legislative/common law provisions that protect individuals against privacy violations regarding:
 - a) In the Public Sector
 - Access by individuals to information collected by various government agencies about them?
 - Protection from disclosure of that information to third parties?
 - Access by the media or members of the public to government records, for example, those regarding government decision-making and action, and limitations put on that access?
 - Limitations put on information sharing between government agencies?
 - b) In the Private Sector
 - Protection from disclosure to third parties of personal information collected in the world of e-commerce, for example
 - ✓ personal information provided through the use of credit/debit cards and other electronic transfers of funds;
 - ✓ personal information in relation to credit reporting and banking transactions;
 - ✓ records of a customer's usage (telephone; online activity);
 - ✓ records kept for insurance coverage and other social services benefits provided by the private sector?
 - Protection from surreptitious collection of information via the internet, for example, through internet electronic surveillance technologies such as "spyware" or "adware"?
- 2) What laws apply with respect to the investigation and enforcement of privacy rights?
 - How strong is the protection?
 - Are the laws binding or advisory?

- How does an individual make a complaint when a private actor or government breaks privacy laws?
- Who prosecutes or enforces – for example, a privacy commissioner, administrative body, such as a privacy tribunal?
- Is there a right to a court remedy?
- Are there out-of-court dispute resolution options?

B. Private-Sector Initiatives

- 1) Do particular companies, industries or professional associations in your country govern themselves regarding the protection of privacy? For example, are there privacy policies, professional codes, voluntary industry standards?
- 2) Who or what body, if any, ensures that these standards are met?

C. International and Cross Border Issues

- 1) How is privacy protected when information is exchanged or transferred to other countries?
- 2) Are there any agreements, laws or international treaties or protocols, to protect privacy issues in this situation?
- 3) Does your country limit its exchange of information to countries with similar protections of privacy?