

Making IT legally compliant

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In this day and age intelligent businesses and organisations really understand the value of their information assets. Loss, damage or corruption of them can lead to many serious and undesirable consequences, from business interruption and reputation damage right through to unlawful or illegal activity, fines and imprisonment. A desire to avoid these ills is part of the reason why intelligent businesses and organisations are turning to the kinds of technologies discussed in this brochure.
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At Viglen we know that governments all over the World are also treating information assets very seriously. Indeed, their concern is so great that we have witnessed an explosion in law making in recent years governing electronic data, data processing and computer systems, with the trend being towards ‘harmonisation’ of laws on a global scale. For instance, in the UK we have recently seen the introduction of the Identity Cards Act and other laws leading to the mass warehousing of personal data, increased public sector data-sharing, increased electronic surveillance of the individual and the expansion of e-Government. There are also a raft of new laws affecting private sector data processing and computer use, such as those concerning the financial services, insurance, communications and medical sectors.

The drivers to this law-making activity are multiple and varied, but the buzzword at the heart of everything is confidence. Governments are law-making for confidence. But what does ‘law-making for confidence’ actually mean? And how does this international legal agenda impact upon the choices that businesses and organisations must make when it comes to the procurement of computer, communications and information technologies?

Perhaps the best way to understanding the legal agenda for the digital world is to recognise the fact that the law-makers are being forced to act quickly to put in place legal frameworks that are equivalent to those built-up over centuries for the manual world. Laws governing paper and the pen have been able to develop organically, at a leisurely pace. Laws for the digital world are completely different. They are being hot-housed to maturity over a relatively short period of time.

Ultimately, governments wish to encourage the take-up and use of new technologies. But for this to happen they have to legislate for confidence. For example, businesses making heavy investment in storage and archives need to be confident that their retained data will have legal effect. Surgeons using PACS systems will need to be confident that the on-screen data accurately represents the anatomical feature being operated upon. Consumers purchasing over the Internet need to be confident that their transactions are safe from criminals. Investors need to be confident that companies are reporting accurate results. Regulators and law enforcement officers need to be confident that they can access all relevant data at appropriate times. Courts and tribunal need to be confident that discovery of data is complete. All of us need to be confident that our privacy will be protected during processing operations.

Laws for electronic data, data processing and computer systems address all of these ambitions and more besides. Information lawyers like me can point to literally hundreds of individual laws affecting every aspect of the digital world. And the bottom line for businesses and organisations is that this complex legal framework imposes positive obligations upon you, which you are legally obliged to satisfy. And, as the old saying goes, ignorance is no defence in front of the law! Fortunately, the kinds of technologies discussed in this brochure can take many businesses and organisations a long way down the road towards legal compliance.

The ultimate goal for businesses and organisations is the achievement of an intelligent processing environment, one where every piece of data can be accounted for and justified. Indeed, within an intelligent organisation there are only two kinds of data, namely (1) data required for a legitimate objective and (2) data required for compliance with a legal obligation. There is no place for a third category of data in an intelligent environment.

If your environment is intelligent, the confidence agenda within the law will be satisfied. You will know what data you are holding, why you are holding it and where you are holding it. Knowing these things means that you will be able to delete or replace confidence-sapping inaccurate data. You will also be able to satisfy all requests for access as they arise, quickly and efficiently. You will be sure of legal certainty, so critical in the event of a dispute. You will have much greater security too. All-in-all, you will be able to reduce the risk of undesired consequences.

Of course, an intelligent environment is one where you make the correct choices in your strategies procurement, because intelligence as required by the law cannot be achieved without strong and robust technologies. I am sure that Viglen Storage Group will be delighted to talk to you about how the technologies in this brochure could help you.

Please contact Ian Lockhart at Viglen who can help you to navigate the complex compliancy challenges facing your business today. **01727 201800** or marketing@viglen.co.uk

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