

The Relevancy Of Information & Privacy Laws

A basic Information Law is largely considered a pre-requisite for any ICT related regulatory framework development. Such a law should clearly stipulate the rights and obligations of all stakeholders in information related issues. Most of the developed countries of the western world actually adopted Information & Privacy Laws well before the so-called IT revolution.

Although some of the concepts of a basic Information & Privacy Law loosely exist within certain recently adopted legislation in Jordan (e.g. the Electronic Transactions Law), the need for a comprehensive and independent legislation to balance the rights and obligations of the various stakeholders to collect information on the many facets of individual and collective activities in the kingdom, and the rules governing the purpose and use of such information is clear. The issue of information classification is crucial to the implementation of any such law. The widely accepted broad classifications of information, with possible sub-classifications, are:

- Public Information
- Private Information
- National Interest Information

A clear mechanism for automatically re-classifying or de-classifying information should also be defined. Internationally, such de-classifying mechanisms are usually time related or time-dependent. For example, National Interest Information automatically becomes Public Information after a number of years. In the United Kingdom, the current limit is set at (50) years.

Poor information security indirectly promotes criminal activity. An Information & Privacy Law should therefore cover, among others, the following fundamental rights and obligations:

- The right to have access to information
- The right of equitable access to information
- The obligation to provide information
- A clear mechanism for changing the classification of information
- The liability for providing wrong information
- The right to dispute incorrect information
- Protection of individual privacy and non disclosure of private information

The proposed law should also safeguard the following basic rights:

Right of Privacy: The fundamental privacy premise relates to the rights of individuals to know: what type of information is collected about them; when that information was collected; how that information is legitimately used.

Right of Integrity: Information collecting organizations should be responsible for the integrity of the data collected about individuals. Individuals will have to be granted access to all information collected about them. Upon notification, collecting organizations will have to correct any false, inaccurate, outdated or incomplete information.

Right of Confidentiality: Organizations that collect information about individuals should be responsible for the confidentiality of that information. Generic information extracted or construed from information about individuals and/ or groups of individuals, should not reveal confidential information about any such individuals and/or groups.

As is the case with most newly proposed laws, a considerable public awareness campaign will be needed to clarify the various aspects of the proposed Information And Privacy Law. Needless to say, accountability, transparency of processes and operations are automatic by-products of any well-designed Information and Data Privacy Laws.