

Privacy-information services: The free, the cheap and the pricey

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A top affliction of privacy professionals is the growing complexity of privacy laws. The number of jurisdictions regulating data privacy and the number of other laws in which privacy provisions are tucked has increased with no letup since 2000. Like the Lilliputians in *Gulliver's Travels*, the tiniest jurisdictions are now lassoing their privacy ropes around the mightiest of corporations.

Where does this leave those who are charged with keeping their organizations privacy-compliant? Desperately looking for a way to organize news about all of these developments.

I recently surveyed the landscape of possible solutions to this problem. What did I find? Three different approaches: free Web sites, newsletters and news feeds; fee-based periodicals; and fee-based databases, such as [Nymity](#)'s PrivaWorks, Cecile Park Publishing's [DataGuidance](#) and law firm Morrison and Foerster LLP's [Summit Privacy](#).

What were the pros and cons of each approach?

Free sources

Privacy leaders with no budget will want to exploit what's free, including these options:

- [Morrison & Foerster's Privacy Library](#), probably the most comprehensive and current free online listing of privacy laws in 95 countries.
- Law firm [Baker & McKenzie](#)'s annual Global Privacy Handbook, which is distributed to clients and friends.
- *Computerworld's* own [Security Newsletter](#), which offers a regular look at news about the technical threats to personal data.

- [The International Association of Privacy Professionals](#)' Daily Dashboard, Canada Dashboard Digest and monthly Inside 1to1: Privacy. These are the best available free news feeds on privacy.

I've been a Daily Dashboard junkie for years, and keep an [online collection](#) of links to hundreds of articles featured in the Dashboard.

When it comes to analysis of developments in privacy law, many law and consulting firms also offer free newsletters. Table 1 offers a full list, including instructions on how to sign up.

Table 1: Law and Consulting Firm Privacy Newsletters

A number of firms offer excellent, succinct analysis of developments in data privacy, security and retention.

Firm	Newsletter	Scope	Frequency	Sign-up
Alston & Bird	Privacy & Security Advisory	U.S. and global data protection; finance and health care	As developments occur	Contact
Alston & Bird	Health Care Advisory	U.S. health care	As developments occur	E-mail
Baker & McKenzie	Global Privacy Newsletter	Global privacy developments	Monthly	Contact
Baker & McKenzie	Privacy Matters	Hong Kong and China privacy and data protection	Quarterly	E-mail
Baker & McKenzie	CPO Corner: Interviews with Leading Chief Privacy Officers	Privacy benchmarking information	Quarterly	E-mail
Bird & Bird	Privacy & Data Protection Update	EU data protection, all industries	Monthly	E-mail

Firm	Newsletter	Scope	Frequency	Sign-up
<u>BNA International</u>	<u>World Data Protection Report</u>	Global privacy and data protection	Monthly	<u>Contact</u>
<u>Boston Privacy Group</u>	Think Privacy	U.S., data privacy and security	As developments occur	<u>E-mail</u>
<u>Cabinet Gelly</u>	<u>Ad hoc privacy news</u>	Data protection in France, all industries	As developments occur	<u>Contact</u>
<u>Covington & Burling</u>	<u>Covington Advisories & E-Alert</u>	Global privacy and data protection, all industries	As developments occur	<u>Contact</u>
<u>Davis & Gilbert</u>	D&G Alerts	Advertising, marketing, promotions	As developments occur	<u>E-mail</u>
<u>Dechert</u>	<u>Privacy OnPoint</u>	EU data protection and US information security	As developments occur	<u>E-mail</u>
<u>DLA Piper</u>	<u>E-Commerce and Privacy Alert</u>	Privacy and e-commerce	As developments occur	<u>E-mail</u>
<u>Ernst & Young</u>	<u>Top Privacy Issues - Global</u>	Global data privacy	Annual	<u>E-mail</u>
<u>Ernst & Young</u>	<u>Global Information Security Survey</u>	Global information security	Annual	<u>E-mail</u>
<u>Field Fisher Waterhouse</u>	BCR Update	Binding corporate rules	As developments occur	<u>E-mail</u>
<u>Foley & Lardner</u>	Foley & Lardner LLP's Privacy, Security &	U.S. and global privacy and	Monthly	<u>E-mail</u>

Firm	Newsletter	Scope	Frequency	Sign-up
	Information Management Newsletter	security		
<u>Goodwin Procter</u>	Privacy Newsletter		As developments occur	<u>E-mail</u>
<u>Hunton & Williams</u>	<u>Huntonprivacyblog.com</u>		Global privacy and data protection, all industries	<u>Contact</u>
<u>Informatica Security & Privacy</u>	The Pulse		Global privacy, security, and information management; all industries	<u>Contact</u>
<u>Jones Day</u>	<u>Jones Day Commentary - Privacy</u>	Global privacy and data protection	Data privacy and security; finance, health care	<u>Contact</u>
<u>Kelley Drye & Warren</u>	<u>Kelley Drye Client Advisories</u>	Global privacy and data protection, all industries	As developments occur	<u>Contact</u>
<u>Law Office of Kris Klein</u>	<u>The Klein & Kratchanov Report</u>	Canadian privacy and access to data	Monthly	<u>Contact</u>
<u>Littler Mendelson</u>	<u>Workplace Privacy Counsel</u>	Global privacy and data protection, all industries	As developments occur	<u>Contact</u>
<u>McDermott Will & Emery</u>	Hot Topics	U.S. and global privacy and data protection; health care	As developments occur	<u>Contact</u>
Meyerowitz	<u>Privacy & Data Security</u>	U.S. privacy, all	Monthly	<u>E-mail</u>

Firm	Newsletter	Scope	Frequency	Sign-up
Communications Inc.	Law Journal	industries		
Morrison & Foerster	Morrison & Foerster Client Alert	Global privacy and data protection, all industries	As developments occur	Contact
Perkins Coie	Perkins Coie Privacy and Security Updates	Global privacy and data protection, all industries	As developments occur	Contact
Rebecca Herold & Associates	The Privacy Professor	Worldwide privacy and information security	Quarterly	E-mail
Sidley Austin	Sidley Updates	Privacy, data security and information law	As developments occur	Contact
Speechly Bircham	Inform: IP, Technology & Commercial	EU data protection, all industries	Monthly	Contact
Venable	The Download	U.S. privacy, all industries	Monthly	E-mail
Wildman, Harrold, Allen & Dixon	WildmanHarrold Privacy & Security Resource Center	U.S. privacy, security, and new media	As developments occur	E-mail
Wiley Rein	Privacy in Focus	Data privacy and security, all industries	Monthly	Contact
Winston & Strawn	Privacy and Technology Bulletin	U.S. consumer, health care, financial, and	Quarterly	E-mail

Firm	Newsletter	Scope	Frequency	Sign-up
		online privacy, data breach and security		
Proskauer Rose	A Moment of Privacy	Online newsletter	Monthly	Contact
Proskauer Rose	Privacy Law Blog	Online blog	As developments occur	Contact
Proskauer Rose	New Media and Technology Law Blog	Blog	As developments occur	Contact

Source: Minnesota Privacy Consultants, 2009

The advantage of these sources is that they're free. If you have the time to peruse them, they can keep you current on the most important debates and risks. But these sources aren't designed to provide answers to narrow questions or comparisons across jurisdictions of regulations or risks on a particular topic.

Fee-based periodicals

Subscription-based services like the following can greatly leverage a privacy officer's small budget, and they dive deeper into key privacy topics than free sources do:

- The Washington-based [BNA Privacy & Security Law Report](#) is a daily and weekly feed of articles written by experts in the field and delivered via print and Web. The articles focus on the U.S., but also cover Canada, Latin America, the EU and Asia-Pacific Economic Cooperation (APEC) countries. (\$1,900 per year)
- London-based [Privacy Laws & Business](#) delivers two quarterly PDF journals of in-depth articles focused on the U.K. and non-U.K. markets. (\$880 per year for both)
- The IAPP offers a [Privacy Tracker](#) service, a combination of weekly e-mails, monthly print newsletters, and monthly calls focusing on U.S. state and federal legislative developments. (\$725 per year)

- The Crofton, British Columbia-based [Institute for the Study of Privacy Issues](#) provides ISPI Clips, perhaps the most comprehensive daily privacy news-clipping service. When you sign up, about two dozen e-mails land in your in-box each day, with healthy coverage of Canada and APEC news. (\$310 per year)

Other paid periodicals include Evan Hendricks' biweekly [Privacy Times](#) (\$350 per year) and Robert Ellis Smith's monthly [Privacy Journal](#) (\$125 per year). If you're a member of the American Bar Association, you could receive the quarterly [SciTech Lawyer](#), and IAPP members receive the monthly [Privacy Advisor](#).

The privacy commissioners of Canada and Italy each issue their own newsletters (see [here](#) for Canada, and [here](#) for Italy), while members of the French association of privacy correspondents, AFCDP, also receive an excellent [newsletter](#).

The strength of these services is their depth and breadth. Subscribers gain the opportunity of acquiring a detailed understanding of narrow questions across multiple jurisdictions. That said, these services mostly lack an on-demand way to search for answers.

Searchable databases

The crown jewel for any privacy officer, however, is to be able to tap a person or database on demand to answer narrow questions for obscure situations. Last month, I gained access to the two leading privacy-database services. I tested how effective they were at providing answers to a battery of questions facing CPOs today.

What were the results?

I'd call DataGuidance the "LexisNexis" of privacy and PrivaWorks the "Westlaw" of privacy. Those who've used both know that Reed Elsevier's [LexisNexis](#) offers a simple interface, while Thomson Reuters' [Westlaw](#) provides a more robust set of filters and features.

DataGuidance right now is the place to go for European content. I tested six types of questions U.S. companies often have about complying with EU member-state data-protection laws:

- What kind of consent do I need for direct marketing in Europe? (112 hits)
- What privacy restrictions are there for conducting cross-border health care? (102)
- What must I do to notify EU authorities about my data practices? (85)
- What strategies and best practices for binding corporate rules are there? (12)
- What kind of employee monitoring can I do in Europe? (32)
- What is the status of data-breach notification in Europe? (32)

I found it easy to use the DataGuidance filters. Choose a jurisdiction and a topic, then hit "search" The reference materials that show up are a combination of government documents and analyses written by practicing privacy attorneys from a number of reputable firms. Once inside the topic, you can filter for applicable regulations and case law. The reference materials are well tagged, so it doesn't take long to determine if the database contains your answer.

Where does DataGuidance have room to improve? There are no apparent cross-jurisdictional matrices presenting the answers across all 28 member states for any of the questions I tested. And there doesn't appear to be one common template for the analyses. The authors structure their analyses differently and go to varying levels of detail. The result is that it's hard to find a pan-European answer to any question at the same level of detail.

When you can't find the answer you're looking for, both DataGuidance and Nymity pledge to load questions into their research program.

PrivaWorks was a different experience. The interface sported more modules and filters, making it harder to get to the point of taking full advantage of it. After some training, however, I found it easier to find cross-jurisdictional answers.

PrivaWorks, for example, contains a Breach Response Support Center that centralizes reference materials on the topic and includes a filter for comparing criteria in U.S. state laws. PrivaWorks also includes pages dedicated to 10 different industries. Three other differentiators: the portal contains a "Manage the Risks" module organized by 17 business risks, statistics counters that rank the reports most frequented by users, and reference materials that are structured in the same format and tagged according to the 10 Generally Accepted Privacy Principles.

I tested PrivaWorks against six North American questions I've heard lately:

- What are the main provisions of the HITECH Act? (12 unique hits)
- What privacy restrictions are there on behavioral advertising? (92)
- What restrictions are there for transferring personal data from Canada? (33)
- What kind of consent do I need for direct marketing in Canada? (90)
- What is the definition of personal data, anonymized data, and de-identified data? (8)
- What are best practices for data retention and destruction? (63)

So, on fairly narrow questions, both DataGuidance and Nymity deliver usable results. Table 2 shows a comparison of key elements of the two services.

Table 2: Nymity vs. DataGuidance

Nymity's PrivaWorks and Cecile Park Publishing's DataGuidance lead the market in subscription databases for privacy information.

	PrivaWorks	DataGuidance
Offices	Toronto, New York	London
First database subscription sold	2004	2008
Current modules (pricing is for a single	U.S. (\$3,600/yr.); Canada (\$2,400/yr.); \$6,000 total	EU (\$5,500/yr., 61% of the content); U.S. (\$1,800/yr., 37% of the content); \$7,300 total

	PrivaWorks	DataGuidance
user)		
Planned modules	EU, September 2009; APEC, spring 2010	Russia, summer 2009; China, summer 2009; APEC, December 2009; Africa & Middle East, December 2009
Number of items	5,200	6,200
Item authors	Four full-time attorneys, plus a panel of contributing authors	50 contributing attorneys
Product information	nymity.com	dataguidance.com

Source: Minnesota Privacy Consultants, 2009

Where can Nymity improve? Making the interface more intuitive so that it requires less training, and adding European and Asian content.

New entrant

Last December, San Francisco-based law firm Morrison & Foerster entered the subscription-database market for privacy information with its [Summit Privacy Resources LLC](#) spin-off. Summit Privacy is a queryable database of English-language texts of world privacy laws that MoFo has organized into a common lexicon.

Use Summit Privacy's filters to query all "privacy notice" obligations worldwide, for example, and the Web site will produce a spreadsheet matrix of world privacy laws compared against similar privacy-notice provisions. A network of local counsel around the world keeps the database updated.

Besides generating law charts, Summit Privacy's comparative strength is Asian privacy regulations, which are often not available on the Web in

English or with the appropriate context to understand the actual corporate obligations.

What's the only downside to the service? The minimum 25-seat, \$25,000 annual subscription price. That's a steal for Fortune 100 companies, but it's probably out of the reach of smaller enterprises with only periodic privacy needs.

All three services deserve applause for bringing more order to the growing patchwork of privacy information. Which one will prevail in today's flat economy? Whoever can become as simple and as accurate as Google and as indispensable as Microsoft Office. As privacy threats and compliance obligations spread into the vast sea of small businesses, first-mover advantages have yet to be claimed.

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