

Statement of Common Administrative Practice

CASE NOTE DISSEMINATION

Adopted: 26th APPA meeting, Hong Kong, 9 November 2006

Abstract: This statement outlines recommended steps for disseminating privacy case notes. These steps seek to maximise the collective regional benefits of individual case note series published by particular privacy authorities by making it easy to obtain case notes on-line and by facilitating re-publication.

Special terms used: “Case note” encompasses any report outlining the outcome of an investigation, conciliation or determination of a complaint that is contained in a series of reports released by a privacy authority.

Related statement: APPA Statement of Common Administrative Practice on Case Note Citation adopted at the 24th Meeting, Melbourne, Australia, 17 May 2005.

Statement on dissemination of case notes

Many privacy authorities issue instructive case notes on a selection of complaints that have been handled in their jurisdiction.

Privacy authorities disseminate their case notes domestically in a variety of ways depending upon their priorities, budget and target audiences. For instance, some:

- maintain a distribution list to which printed copies of case notes are mailed
- reprint the text of case notes in annual reports
- publicise summaries in newsletters
- post case notes on their own website
- distribute electronic copies through RSS feeds or email subscription lists
- cooperate in re-publication by local legal publishers
- periodically publish indexed compilations.

APPA actively encourages privacy authorities to make their case notes widely available to increase comparative knowledge and stimulate research and debate.

This statement is focused upon steps that facilitate the dissemination or availability of case notes throughout the region.

APPA encourages privacy authorities:

- to cooperate with third party publishers who wish to re-publish their case notes, and
- to make their case notes available, in an electronic form suitable for re-publication, to a recognised regional consolidated point of access.

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Third party publishers

APPA recognises that third party publishers can enable case notes to be made more widely available to the public, specialist bodies, professional advisers and researchers.

Privacy authorities should facilitate re-publication of case notes by third party publishers. This should be done by giving a general licence for re-publication of their case notes with proper acknowledgement.

The general licence can be made subject to revocation if inappropriate (e.g. salacious) use is made.

The general licence should be included within the usual copyright notice posted on each privacy authority's website.

Consolidated point of access

APPA sees considerable value in having a consolidated point of access for case notes. An access point now exists in the World Legal Information Institute's Privacy Law Library (www.WorldLII.org/int/special/privacy). The single point of access brings a variety of benefits including the ability to search across a range of case note series from within and beyond the region.

Privacy authorities should supply electronic case notes to WorldLII at the same time as they distribute the case notes in the ordinary way or as soon as reasonably practicable after that.