

## **Data protection: resolving the sensitivity conundrum**

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### **Abstract**

The legislators of EU Directive 95/46/EC felt it necessary to specifically demarcate a category of sensitive data meriting further protection. This paper draws on interviews with privacy and data protection experts from a range of countries and disciplines and findings from the Information Commissioner's annual telephone survey of the British public in order to explore satisfaction with the current categories of sensitive data, as it is important to review the continuing relevance of existing categories of sensitive data in light of changes in societal structures, working conditions and advances in technology. It will be shown that the current classification of sensitive data appears a somewhat outdated and ineffective criterion for determining the conditions of data processing. Finally, a number of possible reform proposals will be reviewed, including a purpose-based approach and context-based approach.

**Keywords:** privacy, data protection, sensitivity, reform.