5 Breaking the law: the evidence

5.1 While the ICO had long suspected the existence of an organised trade in confidential personal information, charting the full extent of any unlawful activity is naturally fraught with difficulty. An insight into the scale of this unlawful market came in late November 2002 when the ICO was invited to attend a search of premises in Surrey executed under warrant by the Devon & Cornwall Constabulary. The raid concerned the suspected misuse of data from the Police National Computer (PNC) by serving and former police officers. Recognising the significance of documents listing vehicle registration numbers, the ICO investigating officer was able to link the apparently random numbers to vehicle checks carried out within the Driver and Vehicle Licensing Agency (DVLA) by two officials. Corruption was the stark conclusion and two investigations were subsequently launched: the ICO's Operation Motorman into data protection offences and later Operation Glade by the Metropolitan Police into possible corruption by police officers or civilian police employees.

Operation Motorman

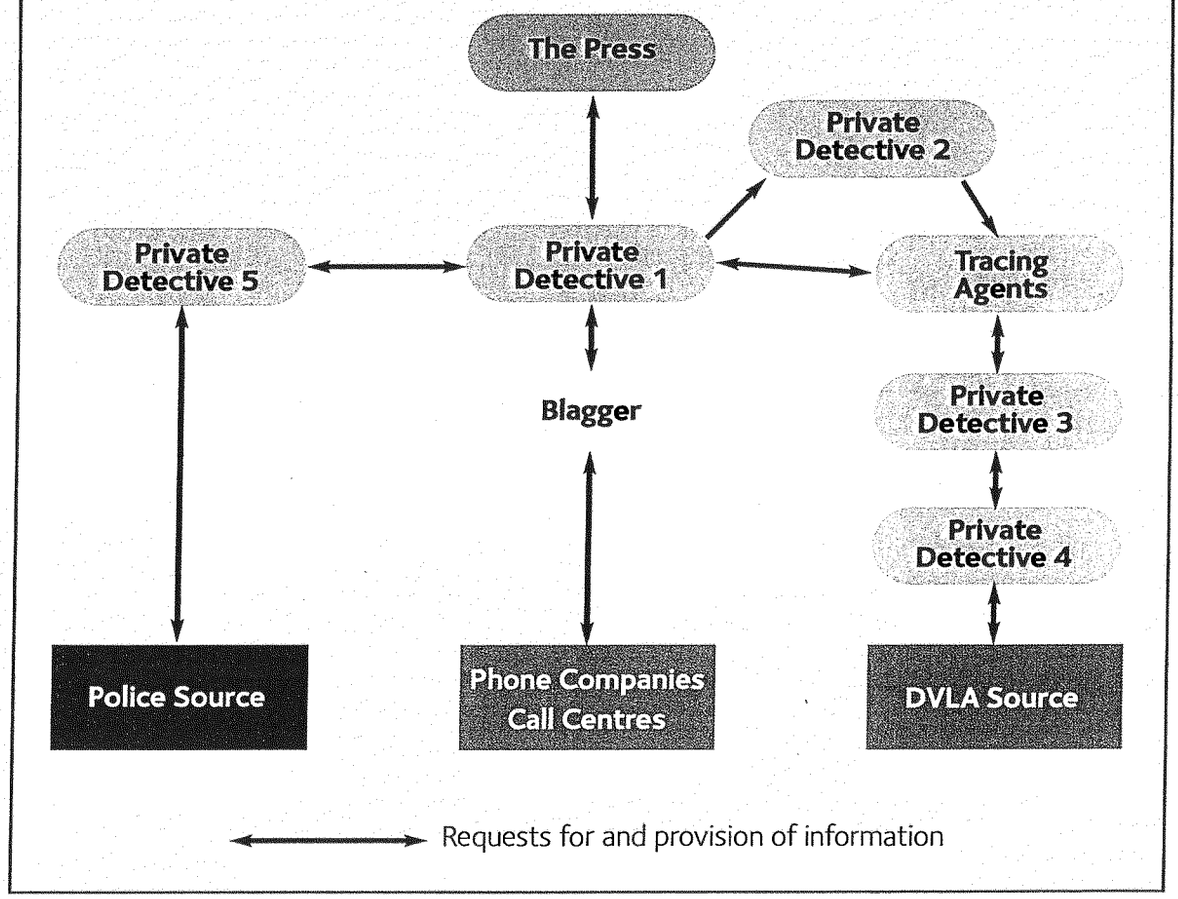
5.2 Further search warrants obtained by the ICO led the hunt to the premises of a private detective working from his home in Hampshire, and to two men who worked for him. Documentation seized from the detective's premises showed that he worked with a number of associates who were able to supply him with data unlawfully obtained from BT accounts as well as DVLA records. He also appeared able to obtain checks from the PNC (the specific offence that prompted Operation Glade). But it was the wealth of detail that was to prove so valuable to our knowledge of the illegal market in personal information: ledgers, workbooks and invoices detailing who had requested the information, precisely what information they were given, how much they were charged, and how much was paid to the associates who actually obtained the information.

5.3 This was not just an isolated business operating occasionally outside the law, but one dedicated to its systematic and highly lucrative flouting. Nor could its customers escape censure. Some of the information obtained (such as PNC checks, ex-directory telephone numbers and details of frequently dialled numbers) cannot normally be obtained by such businesses, by lawful means. Others – such as personal addresses – can be obtained lawfully only by the old footslogging means such as personal checks of the full electoral register.[17] The prices charged for some pieces of information raised questions about their provenance: either the price was too low for information obtained lawfully (as in the case of personal addresses), or it was high enough to indicate criminal activity (as in criminal records checks).

17 The edited register, by contrast, can be easily searched.

5.4 Documents seized during Operation Motorman and in other investigations have allowed the ICO to build up a clear picture of how the market in unlawful personal data operates. Case details provide evidence of who is buying the information and why, and who is obtaining and supplying the information. We also have some idea of how the suppliers operate, and the prices they charge.

Interaction of parties providing illegally obtained information to the press



5.5 On the demand side, the customers come from the following main groups: